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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 60th MEETING
(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Monday, 7 March 1994, at 7 p.m.

Chairman: Mr. ENDO (Japan)

later: Mr. URRUTIA (Peru)

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* The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.60/Add.1.

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The meeting was called to order at 7.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3-6, 7, Corr.1 and Add.1-2, 8, 46-61, 97, 102-104, 110, 115, 119, 120, 122 and 123; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40, and 42-44; A/48/526 and Add.1, 561, 562, 578, 584, 600 and Add.1, and 601)

1. Mr. HALINEN (Finland) said that the role of special rapporteurs, thematic rapporteurs and advisory services in the human rights mechanism was that of a doctor, not that of a judge. The mechanism must be impartial and objective, and all parties concerned, including Governments, must cooperate fully with it. The establishment of the post of High Commissioner for Human Rights, to initiate dialogue with Governments on their human rights situations, was a concrete step towards that strengthening of the mechanism which his Government had consistently requested over the years.

2. The World Conference on Human Rights had reaffirmed that the consideration of human rights in various countries was the legitimate concern of the international community. Against that background, Finland wished to draw attention to the human rights situation in certain countries. It was deeply concerned at the fact that the human rights and humanitarian situation in the territory of the former Yugoslavia had not improved, and strongly supported the invaluable work done by the Special Rapporteur, Mr. Tadeusz Mazowiecki, who must be encouraged to continue that work, so as to lend his authority to the international human rights community. The Bosnian Serb authorities should allow the Special Rapporteur to conduct investigations in the territory under their control, and the Federal Republic of Yugoslavia (Serbia and Montenegro) should allow a field office of the Centre for Human Rights to be established in Belgrade. His delegation commended the work done by the Commission of Experts to collect facts on crimes and human rights abuses, fully supported the proposal for an international tribunal on war crimes, and hoped that all countries involved would do the same. The tribunal must begin to discharge its responsibilities efficiently and without delay.

3. Problems related to the protection of minority rights had been increasing in many parts of the world, and various regional and subregional mechanisms - such as the High Commission on National Minorities created within the Conference on Security and Cooperation in Europe (CSCE) process - had been worked out to monitor the rights of minorities. However, the United Nations should devote fuller attention to that question. In that context, his delegation was concerned at reports about violations in south-eastern Turkey. While the right of the Government to defend the country against terrorism was unquestionable, everything necessary must be done to guarantee respect for the basic human rights of civilians, even in areas under a state of emergency.

4. His Government was deeply concerned at the continuous gross violations of human rights in Iraq, perpetrated by the regime against its own people. The situation of the ethnic and religious minorities was particularly alarming. Although the Government of Iraq appeared to ignore the actions and recommendations of the Commission, his delegation urged the Special Rapporteur to continue his work of collecting information on the human rights situation in Iraq, if only to make the situation in that country more widely known.

5. Turning to the Islamic Republic of Iran, he deplored the large number of death sentences and executions reported, the high incidence of torture and disappearances, and the serious shortcomings of the judicial system. Reports of persecution of religious minorities were particularly worrying: freedom of religion should be respected without discrimination; and the death threats directed by the regime against Salman Rushdie were totally unacceptable. His delegation urged the Government of Iran to cooperate fully with the Commission and to grant the Special Rapporteur entry into the country in order to carry out his mandate.

6. Cuba was another country that had rejected cooperation with the Special Rapporteur of the Commission - an attitude his delegation found surprising, given that Cuba was an active member of the Commission. Full cooperation with the United Nations mechanisms would alleviate the country's human rights problems and expedite the growth of its democratic institutions.

7. The Special Rapporteur on the situation of human rights in the Sudan, Mr. Gáspár Bíró, had reported on acts of torture, summary executions, forced displacement of populations and religious intolerance. Finland strongly supported the recommendation of the Special Rapporteur that the human rights situation in that country should be further monitored; called on the Government of the Sudan to ensure that its obligations under international law in respect of human rights and minimum humanitarian standards were fully met; and urged it not to reject the cooperation extended to it by the human rights mechanism.

8. Finland also remained concerned about human rights violations in Myanmar where, despite positive developments, civil and political rights, particularly those of leaders of political parties and ethnic minorities, continued to be restricted. His delegation urged the military Government to release the Nobel Peace Prize Laureate, Daw Aung San Suu Kyi.

9. It also welcomed the positive steps taken by the Government of Indonesia concerning the human rights situation in East Timor. However, more needed to be done: early implementation of the recommendations of the Special Rapporteur on the question of torture, and greater access by human rights and humanitarian organizations were of crucial importance. It was to be hoped that the talks held between Indonesia and Portugal under the auspices of the Secretary-General would lead to a satisfactory political solution. Meanwhile, the Government of Indonesia must continue its efforts to improve the human rights situation.

10. His Government was interested in continuing the constructive bilateral dialogue with China on issues relating to the administration of justice, an independent judiciary, the rights of defendants, arbitrary detention and the

death penalty. The Vienna Declaration, while referring to the significance of national and regional particularities and differing historical, cultural and religious backgrounds, had reconfirmed the duty of States to promote and protect all human rights and fundamental freedoms; and that principle was valid within a nation State as well.

11. His delegation noted with great concern that the practice of impunity constituted an increasing danger to the protection of human rights. His Government especially urged Peru and Colombia to respect international human rights standards in that regard. It noted with satisfaction new attempts to reach human rights agreements between the parties in Guatemala. In El Salvador, cooperation with existing mechanisms was warranted until the human rights situation had been consolidated. Meanwhile, in Haiti, the very existence of the human rights monitoring mission continued to be questioned, and, in spite of the Governors Island Agreement, the democratically elected President had not been able to return to the country. The Haitian people had chosen democracy. Instead, military rule prevailed, entailing torture, arbitrary detention and summary executions.

12. Early and decisive action was needed to prevent outbreaks of xenophobia, racial discrimination and intolerance from further degenerating into ethnic cleansing and genocide. Determined prevention of such an escalation should not, however, be carried out at the cost of the overall protection of human rights, as was happening in Algeria.

13. The international community had recently been faced with a new problem in its efforts to promote and protect human rights. What was to be done when there was no Government fully accountable for its country? United Nations involvement in the former Yugoslavia, Cambodia and Somalia was a further step towards a comprehensive and integrated approach to building up a nation. In Cambodia, the process was well under way; his delegation welcomed the revised mandate of UNOSOM II in Somalia, and stressed the need for mutual confidence in the joint effort to achieve national reconciliation and reconstruction; while in Mozambique a large number of United Nations peacekeepers had just been replaced by a civilian contingent with special training in human rights matters. In view of the extreme refugee problems in Afghanistan, close cooperation between political action, humanitarian responses and protection of human rights would be natural. In all those cases, the United Nations mechanism, while not perfect or comprehensive, must be used as a tool for the creation of a human rights culture.

14. Mr. MARUYAMA (Japan) said that Japan was of the opinion that the international community was justified in concerning itself with violations of human rights wherever they occurred, and that discussion in the Commission on situations in specific countries did not constitute intervention in their internal affairs. That view was set forth in the Charter of the United Nations and had been confirmed in the Vienna Declaration and Programme of Action. In implementing official development assistance (ODA), the Government of Japan took into consideration the efforts made by recipient countries to promote democracy and human rights and fundamental freedoms; at the same time, it believed that, while pointing out the problems of certain countries, the international community should give recognition to the efforts made to improve their human rights situations. His delegation thus fully

supported the fact-finding mechanism of the United Nations, since precise information was essential in order to pass fair judgement on allegations of human rights violations. Unfortunately, a few countries were still not willing to receive special rapporteurs or to cooperate with them. His delegation strongly urged those countries to allow the special rapporteurs to visit them and carry out their fact-finding missions.

15. Turning to the human rights situation in specific countries, he said that the report on the situation of human rights in Afghanistan (E/CN.4/1994/53) depicted an especially dismal situation. His Government fully agreed with the recommendation of the Special Rapporteur that all political leaders and other eminent persons from inside and outside Afghanistan should be invited to gather in a neutral location and take steps to achieve peace, and specifically to elaborate and implement a plan for the holding of free and fair elections.

16. His delegation remained concerned at the reports of human rights violations in Cuba, and also regretted that the Government of Cuba, which was a member of the Commission, had refused to permit the Special Rapporteur to visit Cuba since his appointment. It once again urged the Government of Cuba to cooperate with the Special Rapporteur. It also believed that the United Nations could play a significant role in solving the problems of Cyprus, and hoped that negotiations would be resumed between the two sides under the auspices of the Secretary-General. Furthermore, the Government of Japan had followed closely the human rights situation in East Timor, and welcomed the decision taken by the Government of Indonesia to grant international organizations and international media representatives greater access to East Timor. It welcomed the continuing dialogue between Indonesia and Portugal conducted under the auspices of the Secretary-General, and was confident that the Indonesian Government would continue its cooperation with the international community and with the Commission.

17. Japan strongly urged the Government of Equatorial Guinea to meet the basic conditions set out in the recommendation of the Special Rapporteur on the situation of human rights in that country (E/CN.4/1994/56). In Haiti, the human rights situation had deteriorated under military rule, and his delegation thus called on the military rulers to implement fully the Governors Island Agreement. For its part, the Government of Japan would continue to support the efforts of the international community to restore democracy in Haiti.

18. The report on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1994/50) suggested that the human rights situation in that country had not improved since 1993. His delegation urged the Government of the Islamic Republic of Iran to comply with the international human rights instruments and refrain from activities referred to in the report. It was also concerned about the situation of human rights in Iraq, and especially the situation of the Shiite community in the south and of the Kurds in the north. It strongly urged the Government of Iraq to implement Security Council resolution 688 (1991) in full and to cooperate with the Special Rapporteur appointed by the Commission.

19. While noting with appreciation that the Government of Myanmar had facilitated the visit of the Special Rapporteur to that country, and that it

had permitted a United States congressman to meet with Daw Aung San Suu Kyi, his delegation remained concerned about the human rights situation in Myanmar. It hoped that the Government of Myanmar would extend its full cooperation to international human rights organizations such as the Commission and the Office of the United Nations High Commissioner for Refugees and would respond to the Special Rapporteur's recommendations as a matter of the highest priority. It further hoped that the dialogue between a Government and Daw Aung San Suu Kyi would take place, and that steps towards an early solution of the problems would include her release.

20. The reports submitted to the Commission by the Special Rapporteurs on the question of torture (E/CN.4/1994/31) and on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7 and Add.1-2) described continuing and serious human rights violations in the Sudan. It was particularly disheartening that the Sudanese army continued to bombard the area controlled by opposing forces in the south. His Government was also concerned at the report that the Government of the Sudan had taken reprisals against persons who had contacted or attempted to contact the Special Rapporteur. It urged the Government of the Sudan to cooperate fully with the Special Rapporteur.

21. While pleased to note the recent cease-fire and withdrawal of heavy weapons from around Sarajevo, his Government continued to be concerned about the gross violations of human rights in the territory of the former Yugoslavia and the continuing practice of ethnic cleansing. It called on the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate entry of an international human rights monitoring team into the country, and particularly to Kosovo, where discrimination against ethnic Albanians and violations of their human rights were reported. It urged all parties to the conflict to continue their efforts to find a peaceful solution through negotiations.

22. Mr. TARRE MURZI (Venezuela) said that the Vienna Declaration and Programme of Action showed the will of the international community to spare no efforts to secure full promotion and protection of human rights throughout the world. Venezuela saw the results of the World Conference as constituting a new, clearer and more systematic frame of reference for human rights on the eve of the twenty-first century. The Conference had succeeded in identifying four fundamental facets of that new perspective: first, a clear reaffirmation of the principle of the universality of human rights; secondly, recognition of the right to development as a universal and inalienable right (in that regard, it was to be regretted that most of the developed nations of Europe and America had abstained or cast their vote against an important resolution on the right to development); thirdly, acceptance of the linkage between democracy, development and respect for human rights and fundamental freedoms; and fourthly, the decision to strengthen international cooperation on human rights matters. Of course, much ground had still to be covered. Timely and systematic implementation of the Vienna Declaration and Programme of Action was of particular importance for the international community. His country would thus support all initiatives to secure full application of those instruments.

23. There could be no doubt that democracy was the most appropriate political system for guaranteeing respect for and the defence, protection and full

enjoyment of human rights and fundamental freedoms. Venezuela was thus making great efforts to preserve and strengthen the democratic system, through political, legislative, economic and social measures, so as to provide its citizens with dignified and decent living standards. It also believed that guaranteed minimum welfare standards such as access to proper housing, education, employment and food, as well as freedom of expression, were essential to the full development of the individual in a democratic society.

24. Some non-governmental organizations had referred to the situation in Venezuela in their reports and statements. Those remarks were not based on the current institutional situation, but on events that were totally a thing of the past. It was his delegation's duty to set the record straight. Those speakers who had referred to Venezuela were either unaware of the current situation of the country, or chose to interpret it in a malicious and biased manner. The fact was that Venezuela had had to contend with the severe social impact of the package of economic and fiscal measures adopted to restructure the system of public finances as well as with attempts to subvert the constitutional order and the continuity of democracy. Those attempts had been defeated by the concerted reaction of the public, the armed forces and the political parties.

25. He could give the firmest and most categorical assurances that none of the situations described by non-governmental organizations was the result of a deliberate policy on the part of the Venezuelan State or of action by its Governments. The State made constant and consistent efforts to avoid any occurrence or recurrence of such incidents, for it was convinced of its responsibility to ensure respect for the individual rights set forth in the Constitution and to support and strengthen the rule of law, guaranteeing the resources and functioning of the organs responsible for application of the law and the smooth running of the administration of justice. Those aspirations were fully attained in the climate of democracy and freedom that the Government of President Rafael Caldera, democratically elected in December 1993, had undertaken to guarantee.

26. His delegation welcomed the creation of the post of High Commissioner for Human Rights, and congratulated Mr. José Ayala Lasso on his appointment to that post. The High Commissioner would have to contribute to strengthening the instruments and organs available to the international community in its continuous fight to secure full respect for human rights throughout the world, and to ensure that those rights were not flouted with impunity as a result of lack of information, ignorance or negligence. Coordination in human rights matters within the United Nations system was one of the fundamental objectives of the Vienna Programme of Action that must be addressed in the short term.

27. His delegation emphatically condemned the violations of the human rights of the people of Haiti that were committed with impunity by the military Government. It was clear from the report of the Special Rapporteur (E/CN.4/1994/55) that the situation in Haiti had deteriorated alarmingly in recent months. The refusal of the military authorities to comply with the provisions of the Governors Island Agreement and the New York Pact had merely delayed the return to constitutional legality, further jeopardizing the situation of human rights and exacerbating the country's critical economic, political and social situation. Situations such as that in Haiti showed that

respect for human rights was not possible without democracy. The Commission could not remain indifferent to the fate of the people of Haiti, and had a responsibility to monitor the crisis closely and to contribute to its solution. His delegation had submitted a draft resolution on that question, and hoped that it would enjoy the support of members of the Commission.

28. Mr. KHOURY (Syrian Arab Republic) said that, in its resolution 1993/67 of 10 March 1993, which had been adopted by a majority, with the one traditional exception, the Commission had condemned the ongoing violations by Israel of human rights in southern Lebanon, had called on Israel to put an immediate end to those practices, to withdraw immediately, fully and unconditionally from all Lebanese territory in implementation of Security Council resolution 425 (1978), to respect Lebanon's sovereignty, independence and territorial integrity, and to comply with the Geneva Conventions of 12 August 1949, particularly the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. It had further demanded that the Government of Israel should permit the International Committee of the Red Cross (ICRC) to visit the detention centres at Khiyam and Marjayoun; and had requested the Secretary-General to inform the Government of Israel of its resolution and call upon it to provide information on the extent of its compliance therewith. As usual, Israel had paid no heed to the letter of the Secretary-General, and had instead persisted in its acts of oppression and denial of human values. The statement made by the observer for Lebanon on 24 February 1994 showed that Israel continued to violate human rights. In July 1993 Israel had launched a major military offensive against southern Lebanon, which had claimed hundreds of victims, and in which thousands had been forced to flee following the destruction of their homes, schools, hospitals and places of worship. More than 200 prisoners were still detained in the two camps and were denied visits by the ICRC.

29. As the report of the Secretary-General (E/CN.4/1994/54) stated, Israel had expansionist aims, and its purpose was to bring about the permanent de facto economic, social and military separation of southern Lebanon from the remainder of the country. Lebanese resistance to the occupation was a legitimate right guaranteed by international law. His delegation hoped that the Commission would condemn the ongoing violations of human rights in southern Lebanon, urging Israel to desist therefrom in implementation of Security Council resolution 425 (1978), to abide by the fourth Geneva Convention, and to release all those detained in prisons and detention centres.

30. His delegation also indignantly condemned the recent savage killing of dozens of Palestinians by Israeli extremists in Hebron. The expansionist policies of the Israeli Government, and its procrastination in the negotiations over the past two years, had led to increased violence in the occupied territories, and was directly or indirectly responsible for religious extremism. Condemnation of such acts was not enough: only an end to the occupation and the realization of the right of Palestinians to self-determination could put an end to the cycle of violence and achieve a just and global peace in the region.

31. The Syrian Arab Republic had historically enjoyed good relations with Cyprus, and supported the mission of good offices of the Secretary-General.

The mission was aimed at settling the conflict in the island in accordance with relevant United Nations resolutions, so as to guarantee the independence, sovereignty, territorial integrity, unity and neutrality of Cyprus. Such a settlement would guarantee respect for the human rights of both communities.

32. In conclusion, commenting on the statement by the representative of the European Union on 2 March 1994, in which reference had been made to the situation of human rights in the Syrian Arab Republic, he reaffirmed that his country had always honoured its commitments to international human rights conventions, and always responded to allegations by communicating with the Centre for Human Rights. It invariably respected international criteria concerning human rights.

33. Ms. BACCARD (Observer for Armenia) said that since gaining independence Armenia had been committed to policies that would encourage the fulfilment of the individual and strengthen democracy and human rights institutions. Legislation had been enacted relating to such subjects as freedom of conscience, the press and political parties in order to safeguard political, cultural, social and economic development. Armenia had, in addition, acceded to the major international instruments in the field of human rights, and had submitted proposals to the Centre for Human Rights for cooperation with its services to promote human rights through strengthening the state of law and human rights institutions, improving the administration of justice, training officials and educating and informing the public.

34. Unfortunately, Armenia was experiencing considerable difficulties in advancing its programme of social and political reform as a result of the blockade that had been imposed by Azerbaijan since 1989 and had reduced living conditions to the bare minimum. There was neither heating nor electricity in a country where winters were very severe so that most schools and hospitals had had to close. Food and medical supplies were very low. No more than a few enterprises were able to continue operating so that unemployment was widespread. The blockade thus constituted an unjustifiable violation of human rights such as the right to life, education and harmonious development.

35. The fact that 80 per cent of Armenia's lines of communication with the outside world passed through Azerbaijan had led that country to take such action to undermine the political will of the people of Armenia. Armenia was a land-locked country, and its other outlets, through Turkey and Georgia, were also blocked: Turkey had closed its frontiers and Georgia's internal difficulties prevented the passage of humanitarian aid. In the face of the deteriorating situation of the population in Armenia, her delegation hoped that the Commission would make every effort within the sphere of its competence to have the blockade lifted.

36. Mr. OMAR (Observer for Ethiopia) said his delegation shared the concern expressed by other delegations at the continued human rights violations in different parts of the world. The international community had a responsibility to take resolute action to bring an end to the suffering of innocent people and bring the perpetrators to justice. He therefore strongly welcomed the establishment of a United Nations Tribunal to investigate war crimes in the former Yugoslavia.

37. The promotion and protection of human rights was of particular concern to Ethiopia in view of the many human rights violations committed by the Derg regime during its 17 years in power, including torture, arbitrary detention, forced conscription, murder and the bombing of civilian targets. However, in the two and a half years since the overthrow of that regime, the Transitional Government, in its endeavours to bring peace and stability to a country ravaged by civil war and economic stagnation, had made distinct progress towards democracy and the protection and promotion of human rights. Measures to ensure a systematic transition to democracy in a country without any democratic traditions included proclamations of the right to organize public demonstrations and the right to peaceful assembly, freedom of expression and the press, the creation of regional governments, the establishment of an independent judiciary and a revitalized police force, and the establishment of political parties.

38. Ethiopia was a country of many nationalities with different cultures, traditions and beliefs. The establishment of regional governments enabled them to use their own languages, develop their culture and administer their own affairs for the first time. The people now enjoyed freedom of speech and expression and active participation in political life. Enactment of the Press Act had allowed the birth of many publications without fear of censorship or interference. Preparations for bringing to justice members of the former regime accused of criminal offences was almost complete, as had been mentioned by the Chief Special Prosecutor of Ethiopia in his address to the Commission on 17 February 1994. Further information on the detainees was contained in document E/CN.4/1994/103.

39. The Transitional Government had launched the first Ethiopian national policy on women, which was designed to safeguard the legal rights of women and ensure their full and direct participation in the political, civil, economic, social and cultural life of the country as well as in law and policy-making processes.

40. The foundations for the transfer of power to a democratically elected Government were being laid. To that end, the Council of Representatives had issued proclamations relating to electoral law and had established a commission to prepare a draft constitution, composed of representatives of various national and political organizations, professional organizations and well-known personalities. A concept document had been prepared, which was at present being discussed at grass-roots level throughout Ethiopia and in other countries in which large numbers of Ethiopians were living. Such active participation should ensure a Constitution that was truly popular. After intensive public debate, a final draft would be sent to the Council of Representatives for approval, following which it would be submitted to a constituent assembly to be established by a general election in June 1994. Adoption of the new Constitution would be followed by multi-party general elections, which would mark the conclusion of the transitional process in Ethiopia.

41. In conclusion, he would like to empathize that the irreversible historical changes under way in Ethiopia required the understanding and continued support of the international community, in the spirit of the Vienna Declaration and Programme of Action.

42. Mr. WARDLAW (World Student Christian Federation), speaking also on behalf of the International Union of Students and the World Federation of Democratic Youth, said his principal concern was human rights as they affected students.

43. In Myanmar, academic freedom had been severely curtailed and the free expression of ideas strongly discouraged among students, as reported by Mr. Yokota, Special Rapporteur (E/CN.4/1994/57). In addition, however, the movements and access of students at the Yangon university campus had been severely restricted. While courses were being taught, intelligence agents were stationed at each entry gate. All student activities were constantly scrutinized. It was therefore unfortunate that Mr. Yokota had only been able to visit the campus when the university was in recess. The delegation of Myanmar at the forty-eighth session of the General Assembly had claimed that Myanmar was abiding by the principles of customary international law, but that did not sit well with Mr. Yokota's reference in paragraph 55 of his report to large-scale and continuing atrocities by the Myanmar Army or his reference in paragraph 49 to the forced labour of women and children.

44. He therefore called upon the Commission to act on all of the recommendations of Mr. Yokota in his introductory statement, to recommend the imposition of economic sanctions on the current ruling junta until such time as the truly elected representatives of Parliament were able to take office, and to call on the State Law and Order Restoration Council (SLORC) to release all political prisoners, allow all students free access to their university studies, and allow students to re-establish student associations without interference from the State.

45. His organizations were also concerned about the many students who had fled Burma to seek refuge from human rights abuses and, as the High Commissioner for Refugees had pointed out, were confronted like many others with closed borders or legal obstacles in their search for asylum. Approximately 60,000 men, women and children who had fled Burma were living in camps on the border between Burma and Thailand. Privately donated medical supplies destined for those camps had very recently been confiscated by the Thai authorities; the Thai Government was urged to reassure the Commission that it would respect the human rights of the Burmese fleeing the SLORC military regime.

46. The situation in El Salvador was highly precarious. The number of extrajudicial killings had risen from 255 in 1992 to 305 during the first five months in 1993. The rise in death squad activity in 1993 clearly indicated a need for the continuation of the mandate of the Independent Expert and of the United Nations Observer Mission in El Salvador (ONUSAL). The establishment of the joint Group for the Investigation of Politically Motivated, Illegal Armed Groups with a mandate to mid-1994 gave insufficient time for a proper investigation of death squad activities. Furthermore, the current climate in the country was not unlike that which gave rise to the previous armed conflict. His organizations therefore urged the Commission to examine the situation in El Salvador under agenda item 12.

47. In July and August 1993, the World Student Christian Federation had sent a group of young people and students from Canada, the United States of America, Venezuela, Ecuador, El Salvador, the Dominican Republic and Nicaragua

on an exposure trip to Cuba. They found that although some students expressed dissatisfaction with the Government, the overall impression was favourable; the students met had displayed a general selflessness and strong sense of community. There was a high level of education, which was free up to and including university level, and little illiteracy. However, it was dismaying that the very positive economic, social and cultural rights enjoyed were under direct threat as a result of the blockade imposed on Cuba over 30 years previously by the United States, whose effects had become devastating since trade with the former Soviet Union has ceased. The Commission was therefore urged to call for a halt to the blockade.

48. With regard to Sudan, the Commission had seen ample evidence that the regime in place since 1989 was flagrantly violating human rights and denying fundamental freedoms. In November 1993, Sudanese security forces had raided the University of Khartoum and attacked a peaceful demonstration organized by the Student Union, causing the deaths of two and the arrest of 500 students. All schools in El Obeid City had been closed down by the authorities the previous week, following a peaceful demonstration against the Government's economic policy. The Commission was therefore urged to request, in the strongest possible terms, that concrete measures be taken at the next General Assembly to impose economic sanctions on the Sudanese Government until it was able to demonstrate its compliance with international human rights standards.

49. In Zaire, too, the authorities had closed down universities without valid justification, thus depriving students of education for the past three years. That situation and the many other violations of human rights in Zaire were a cause of serious concern.

50. The human rights situation in Bhutan was receiving insufficient attention in the Commission. Many schools in the south of the country had remained closed following the 1990 disturbances, despite Government assurances to the contrary. Ethnic Nepalese had been required to produce certificates issued by the police for admission to schools and postgraduate courses. There were detailed and reliable reports of ethnic cleansing, lack of religious freedom, arbitrary detention, torture and disappearances. The Commission was strongly urged to take further action to investigate those allegations in detail.

51. Ms. GARCES PERATTA (Andean Commission of Jurists) said that despite the existence of constitutional regimes in the countries of the Andean region, the human rights situation in a number of them was extremely serious. In Colombia 2,891 deaths had occurred between January and September 1993 as a result of political violence and the practice of summary execution. Of those killings, State agents were alleged to have been responsible for 57 per cent, paramilitary groups for 18 per cent and guerrilla forces for 25 per cent. The emergency measures in force throughout 1993 to combat terrorism and illicit drug trafficking had become a permanent legislation and severely restricted the exercise of fundamental rights, such as the right to defence, to the presumption of innocence and other guarantees of due process of law.

52. In Venezuela, violations of the right to life had increased dramatically. Between September 1992 and October 1993, 67 people had been executed by the State security forces and a further 120 had died as a result of the excessive

use of force or ill-treatment. Those figures did not include the 31 civilian deaths during the attempted coup d'état in 1992 and the deaths of many prisoners in detention centres.

53. In Ecuador during 1993, 24 people were killed by the forces of law and order, 9 of them following torture.

54. That gloomy situation was aggravated by the institutionalization of impunity in respect of human rights violations. In Colombia, the administrative and judicial authorities responsible for the prevention and punishment of violations of human rights were notoriously ineffective. Only 14 per cent of complaints to the Procurator-General's Office were followed up. The military courts, which were entrusted with the investigation of human rights violations, generally acquitted those accused. In Venezuela, impunity for human rights violations resulted from the shortcomings and lack of independence of the Judiciary and also because such cases were generally tried by military courts.

55. The situation was particularly serious in Peru where in 1993 there were 1,992 deaths as a result of political violence, only 991 of which could be laid at the door of Shining Path. There were 37 extrajudicial executions during the same period. Although the number of deaths had declined in comparison with previous periods, she shared the concern expressed by the Special Rapporteur (E/CN.4/1994/7/Add.2). Moreover, the human rights of an increasing number of people was being affected by the fact that they lived in areas declared to be under states of emergency.

56. The new Constitution which had recently entered into force was a step backwards as regards human rights since it extended the scope of the death penalty (in violation of the American Convention on Human Rights, to which Peru had acceded), failed to recognize economic, social and cultural rights and fundamental rights, authorized the trial of civilians by military courts and abolished the precedence of international instruments over the Constitution. The lack of independence of the Judiciary and the prosecution services made ordinary people completely helpless vis-à-vis abuses of power. His organization was convinced that giving immunity to those guilty of such acts led to and perpetuated to human rights violations.

57. The Andean Commission of Jurists considered it essential that the Commission should appoint an independent expert on Peru to report to it on: (a) the human rights situation in Peru with particular emphasis on the administration of justice, military courts, impunity and anti-terrorist legislation; (b) the effects of subversive violence on the enjoyment of fundamental rights by the population; and (c) recommendations to the Commission on measures for improving the human rights situation, in particular with regard to the administration of justice and the right to due process. Its proposal was entirely in line with resolution 1993/23 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the situation of human rights in Peru.

58. Mr. POPOVIC (Sierra Club Legal Defense Fund, Inc.) said that while there was a growing awareness of environmental degradation and its human toll, there remained a massive gap between that recognition and the fashioning and

implementation of effective solutions by means of human rights mechanisms. During the five years it had attended the sessions of the Commission, the Sierra Club Legal Defense Fund had reported on over 20 cases of environmental problems throughout the world that violated human rights. The environment did not respect political divisions, although political divisions could affect the environment. A report on the subject was available to those attending the Commission.

59. Environment-related violations of human rights were increasing. The project including the Sardar Sarovar dam in India was likely to displace more than 100,000 people, but no adequate provision had yet been made for resettlement. The massive human displacement caused by the Chernobyl nuclear disaster in 1986 was still unresolved. Since consideration of displaced persons had been placed on the agenda of the Commission, it was hoped that those problems would be addressed.

60. The serious human rights implications of environmental problems demanded attention. In addition to the reports mentioned, the Sierra Club Legal Defense Fund had submitted other reports and information to Mrs. Ksentini, the Sub-Commission's Special Rapporteur on human rights and the environment, who had prepared excellent reports, but because of her limited mandate had been unable to include discussion of the many situations called to her attention. It was hoped that the Commission would enlarge that mandate to enable her to address situations and play a necessary coordinating role with other relevant United Nations and regional human rights bodies. The Sierra Club Legal Defense Fund also urged the Commission to add a new item to its agenda entitled "Human rights and the environment".

61. In anticipation of the transition from a study to an active treatment of situations, in May 1994, the Sierra Club Legal Defense Fund, on behalf of the Sub-Commission Special Rapporteur on human rights and the environment, would conduct a meeting of experts on that topic, who would work with the Special Rapporteur on her draft of principles and guidelines on the right to a healthy environment, which, with her final report and appointment as Commission Rapporteur on human rights and the environment, would ensure the necessary continuity for that important issue. Those initiatives would allow the international community to work together in a constructive way to promote and protect environmental human rights.

62. Mr. SHARFELDDIN (International Organisation for the Elimination of All Forms of Racial Discrimination) said that the massacre of Palestinian worshippers at the Hebron mosque had received wide international condemnation. However, such condemnation had not in the past caused Israel to alter its treatment of Palestinians or its policies towards their rights, including the right to life and security, or to comply with Security Council resolutions calling on Israel to comply with the terms of the fourth Geneva Convention.

63. After the massacre, instead of rounding up suspects, Israel had imposed a curfew on Hebron and provided army protection to settlers who decided to go into Hebron fully armed. The Israeli army added 19 to the toll of Palestinians killed on that same day.

64. The Israeli authorities clearly made a sharp distinction between protecting Israelis and protecting Palestinians, although both were entitled to equal protection. Twenty thousand Palestinians remained in preventive detention to guard against future acts of violence, while only five settlers were so detained. The Israeli Government, moreover, was legally responsible for the massacre, since the army unit guarding the mosque had allowed the murderer to enter and failed to respond to cries for help while the massacre was being committed.

65. Israel had confirmed by its policies and behaviour that it could not be trusted to give the Palestinians the protection to which they were entitled and was in fact an active player against whom protection should be provided. The Security Council, which had been so resolute and active against Iraq, had allowed the situation to deteriorate by its acquiescence in continued Israeli violations. His organization called on the Council to take resolute action to demonstrate that all peoples were entitled equally to their human rights. Failure by the Security Council to ensure protection for the Palestinians would jeopardize the road to peace. The occupation must end and the settlements be removed in order to prevent still more massacres.

66. Ms. PARK (Canada) said that human rights violations were a challenge faced by all countries, including her own. It was with a certain sense of humility, therefore, that her delegation approached the current debate; but it also did so with a clear sense of responsibility. The United Nations, and the Commission, had to keep faith with the citizens of all countries, the promotion and protection of whose human rights and freedoms were pledged under the Charter of the United Nations.

67. The situations in South Africa and the Middle East gave some grounds for encouragement; however, some situations elsewhere, although of profound concern to the international community, were being ignored. In the case of Iraq, where grave abuses of human rights continued to be documented by the Special Rapporteur and other credible observers, the Commission must call again on the Government to respect all relevant Security Council resolutions, especially resolution 688 (1991), introduce democratic reforms and cooperate openly with the Special Rapporteur. With regard to the Islamic Republic of Iran, the Commission's Special Representative had been unable to visit that country despite continued documentation of violations of the right to life and continued discrimination against women and religious minorities. Although Canada held Islam in the highest esteem, it regarded the death sentence pronounced against Salman Rushdie as offensive and an antithesis of the United Nations basic principles, and it appealed to the Islamic Republic of Iran to dissociate itself from that sentence.

68. The Commission should also condemn, in the strongest terms, all parties to the conflict in Sudan who suppressed dissent, attacked civilians, used food aid for political ends and aroused ethnic and religious tensions. The Government's inconsistent and uncooperative attitude towards the Special Rapporteur, United Nations agencies and non-governmental organizations was unacceptable; Sudan should be urged to cooperate. With regard to the situation in Haiti, the military and armed civilians under their control had broken all their promises, blocked deployment of the United Nations mission

and forced the departure of United Nations and OAS human rights observers. Canada supported all efforts, including the trade sanctions mandated by the Security Council, to seek an end to the campaign of terror.

69. In Myanmar, the lack of response to the world community's calls, including requests for the release of Daw Aung San Suu Kyi and other political prisoners, remained unacceptable. The countries of the region had a particular role to play in efforts to promote greater respect for human rights in Myanmar. Canada was prepared to support an international embargo on the sale of military equipment to that country.

70. In Cuba, too, it was highly regrettable that the Government, whose human rights record caused concern, refused to cooperate with the Commission's Special Rapporteur.

71. Since the end of the cold war, there had been an increasing desire to establish free societies and thus promote international peace and stability. The close link between human rights and democracy on the one hand, and peace and security on the other, an important element of the Vienna Declaration, was tragically illustrated in the territory of the former Yugoslavia. Canada had spoken out against the abuses being committed, regardless of the side responsible. It had provided funds and personnel to the Commission of Experts gathering information for submission to the International Criminal Tribunal for the Former Yugoslavia. Lasting peace in that territory was impossible without adequate protection of minority rights, to which all sides must commit themselves. The current situation should provide a warning to the leaders and peoples of the newly-independent States of the former Soviet Union.

72. The link between human rights, peace and security was also evident in Cambodia; although the Commission had recently assumed certain responsibilities there, violations continued, especially in areas still under Khmer Rouge control.

73. In El Salvador, incidents of politically-motivated violence continued to be documented, although the civil war had officially ended over a year previously. Important provisions of the peace accords remained unfulfilled. It was essential that the 1994 national elections were free and fair. Canada welcomed the Commission's decision to continue the mandate of the Independent Expert.

74. In Guatemala, although there were hopes that negotiations between the Government and the Unidad Revolucionaria Nacional Guatemalteca (UNRG) could bring to an end Central America's lengthiest armed conflict, it was disappointing that human rights abuses had recently increased. The requisite measures should include a strong resolution aimed at addressing the core issues, including the problem of impunity, with the Independent Expert's assistance.

75. Canadians shared the dismay at the rise of racism, extremism, anti-semitism and neo-fascism in parts of Europe and elsewhere; they had as well been impressed by the way in which vast numbers of citizens had demonstrated their resistance to such trends. Governments determined to deal

with such problems deserved the world community's commendation and support, just as those which practised such doctrines deserved its condemnation and disdain.

76. With regard to the situation in Somalia, Canada strongly supported the extension of the Independent Expert's mandate. While progress in improving human rights had been made elsewhere in parts of Africa, the situation in a number of countries remained a matter for concern. In Angola, the intense conflict was causing destitution and great loss of life. And the Secretary-General's report on the situation in Zaire (E/CN.4/1994/49) showed that the degradation of basic human rights and democratic freedoms fostered violence. Likewise, the situations in Rwanda, Burundi and Chad were a reminder of the link between civil unrest and human rights abuses where fundamental democratic principles were denied. In Togo and Nigeria, where military power had taken over, the international community should urge rapid resumption of the democratic process.

77. Canada believed that the best prospect for a lasting solution in Jammu and Kashmir lay in the bilateral talks between India and Pakistan and, in the meantime, was calling for further efforts to reduce the level of human rights violations by all concerned and to improve access for the media, international organizations and other observers. In Sri Lanka, the recent important commitments made by the Government relating to the ethnic conflict in that country should be pursued; and the Commission should encourage the Government and the Tamil separatists to engage in negotiations aimed at a lasting peace, while addressing the basic ethnic tensions and human rights problems. In Peru, human rights continued to be threatened by terrorism and drug trafficking, although the Government had recently made encouraging efforts to eliminate human rights abuses.

78. The link between human rights, democracy and development had been a basic theme of the World Conference on Human Rights. It was increasingly recognized that economic growth without regard for human rights was not acceptable in the long term. In the case of China, the fate of political detainees, the failure to respect due process, the lack of freedom of expression and religion, the use of torture and extrajudicial executions, and the persecution of the majority population in Tibet remained matters for concern. It was hoped that China, in its impressive strides towards developing an open-market economy, would also move closer to political democracy and adherence to international human rights principles.

79. Canada remained concerned about the human rights situation in Indonesia, particularly in East Timor. Although Indonesia had recently taken encouraging measures in that regard further steps were needed, including improved access for international NGOs and observers and for continued progress in unsponsored discussions. Likewise, ratification of the two International Covenants on human rights would do much to reassure the international community. In Viet Nam, despite some improvement, the harsh treatment of religious leaders and others for expressing their beliefs remained a matter for serious concern.

80. The Vienna Declaration had reiterated that human rights were a legitimate concern of the international community. Openness and cooperation with the latter, including the Commission, were important in that regard. Canada had

on various occasions been criticized by human rights bodies; although it had not always agreed with the specific conclusions voiced, it had always cooperated and maintained a fully open dialogue with United Nations authorities. If all Governments freely and openly cooperated with the international community, there would be much less need for the current debate. In that regard, Canada, while concerned about the loss of life and allegations of human rights abuses in Chiapas, Mexico, endorsed the Mexican Government's positive approach in undertaking measures to address the indigenous people's basic problems and bring those responsible for human rights violations to justice.

81. The international community must act with renewed vigour to promote and protect human rights. Governments which failed to protect their people or persisted in violating their human rights would be increasingly excluded from the mainstream of the world community. The Commission had a key role to play, wherever abuses occurred, by showing Governments what was expected of them and giving greater encouragement and assistance to countries genuinely trying to improve their human rights record. In that regard, the appointment of a High Commissioner for Human Rights was a historic decision which Canada welcomed. His pledge to the General Assembly that the office should be the voice of mankind's moral conscience had strengthened the expectation that his authority would be fully and wisely used, and Canada would fully support his efforts.

82. Mr. KOVALEV (Russian Federation) said that the issue, voiced by Woodrow Wilson in the early twentieth century, of making the world safe for democracy was more relevant than ever. The end of the cold war had not in itself led to stabilization but rather to a rash of local conflicts, uninhibited by any threat of nuclear annihilation and fanned by xenophobia, aggressive nationalism and religious and ethnic tensions. Those situations called for clear and equitable solutions based on global consensus, a sound guide in that regard being the Vienna Declaration and Programme of Action. One highly important outcome of the World Conference on Human Rights was the recognition that national sovereignty was no pretext for opposing the investigation of human rights violations, which were of legitimate concern to the world community. Many delegations had already voiced the need for such recognition. His delegation was concerned, however, about certain attempts at ex post facto revision of the Conference's decisions and at thwarting or diverting the international community's efforts in the field of human rights.

83. In the territories formerly dominated by communism, nationalistic and religious fanaticism and extremism were shaking the foundations everywhere, showing that the apparatus of State tyranny and force was still growing, with tragic results affecting not only those directly involved but often neighbouring nations too. The world community was entitled, therefore, to look into every instance of gross and systematic violations of human rights, since at stake was international peace and security. Nations in transition from totalitarianism to democracy could not be left to struggle on their own. His delegation felt sure that the High Commissioner for Human Rights could develop a long-term strategy in that regard.

84. His own country was in such a transitional stage and striving to cope with the problems. It was grateful for the assistance received from a number of countries and international organizations, inter alia, for the observers

dispatched on the occasion of the recent elections and referendum on the draft new Constitution. Also well established and welcome in his country were over 30 international non-governmental organizations, such as Amnesty International and Helsinki Watch.

85. It was hoped that the growing problems faced by ethnic Russian communities in the countries of the former Soviet Union, including Latvia and Estonia, would not be overlooked, since such matters would have a direct bearing on the future of democracy, in those countries and in Russia itself, and, consequently, on international peace and security. His delegation had voiced concern about ethnic Russians in Latvia and Estonia when addressing the Commission under agenda item 18. There were grounds for optimism, with regard to Latvia, since the advent on the public scene of such figures as the former dissident Olaf Bruveris, who, in a recent newspaper interview, had pointed to the need to overcome the enmity with which Russian and Latvian citizens had regarded each other. Unfortunately, that lone voice had not been supported by others in the Latvian Sejm in regard to the draft citizenship law presented to the Council of Europe. His delegation had not spoken, during the current session, about the situation of ethnic Russians in Estonia, having hoped that the authorities there would proceed to a constructive dialogue in that regard. Unfortunately, the outcome of the recent round of talks in Tallin had not fulfilled that hope.

86. His delegation sincerely regretted the thousands of deaths that had resulted from the continuing tragedy in the territory of the former Yugoslavia. People from many lands had gone there to risk life and limb in giving assistance to the afflicted populations; they included some 400 Russians based in Sarajevo as part of UNPROFOR. The Russian Federation stood ready to intensify its efforts towards settling the conflict in that region.

87. His delegation had closely studied the Special Rapporteur's report (E/CN.4/1994/110) - in particular, the details of the widespread practice of "ethnic cleansing", the atrocities being committed against women and the suffering inflicted on peaceful citizens, including the appalling conditions in the camps. His delegation agreed with the Special Rapporteur that acts of cruelty were being committed by all parties to the conflict, and that all the communities involved were being victimized; the same conclusion had been noted at the Commission's forty-ninth session. At the latter, his delegation had warned against the dangers of adopting a one-sided approach to the problem; its warning had been justified, as could be seen from the Special Rapporteur's report. The realities were being deliberately ignored by a significant number of countries, which attributed all the blame to one side, played down the scale of violations committed by another and condoned those of the third. But the Special Rapporteur's conclusions did not square with that approach. The international community's task was not to attribute blame solely to one party to the conflict; to do so would only add to the difficulties and undermine the Commission's credibility. His delegation's position in that regard would be reflected in a draft resolution on the situation in the former Yugoslavia.

88. Urgent measures were also required to alleviate the plight of children - Muslim, Croat and Serb alike. International organizations had a major role to play in that regard; they must be given all possible help by cutting

bureaucratic procedures and obstacles to their operations. His delegation wholeheartedly supported the Special Rapporteur's recommendation for the provision of medical supplies and equipment, humanitarian assistance to the most afflicted groups and, in particular, a review of the sanctions procedures for that purpose. Implementation of the recommendation would not only alleviate the plight of children but would strengthen the mandate of the Special Rapporteur which "should lead to prompt and concrete measures benefiting populations which are suffering and whose rights [are] being violated" (E/CN.4/1994/110, para. 279).

89. His delegation had already voiced its views about the prospects for a peaceful solution to the situation in the Middle East, based on the Declaration of Principles signed by Israel and the PLO. But the tragedy in Hebron had again raised the level of confrontation. The Russian Minister for Foreign Affairs had proposed the convening of a special session of the Security Council. His delegation called for restraint by both parties. Russia believed that the Middle East's future lay not in war and terrorism but in peaceful coexistence between Israel and its Arab neighbours, including the Palestinian people.

90. With regard to South Africa, his delegation eagerly awaited the holding of the first non-racial elections, which would put an end to apartheid in that country. It was disquieting, however, that some political forces in that country were rejecting the provisional Constitution and intended to boycott the forthcoming elections. The Russian Federation continued to advocate support for the democratic transformation of South Africa.

91. The human rights situation in Iraq remained a cause for concern on account of the widespread repression, extrajudicial killings, torture and murder for political motives. The situation was characterized by the wielding of political power by special services, heavy censorship, and impediments to the adoption of a new national Constitution. Kurdish regions were still being blockaded, and harassing operations continued in the south against Shi'ites and Marsh Arabs. In the Islamic Republic of Iran, there had been no noticeable improvement - a fact noted in the report of the Special Representative (E/CN.4/1994/50), which cited a disturbingly large number of instances of execution, torture, and discrimination against certain communities on account of religious belief, particularly followers of the Baha'i faith, as well as of restrictions on freedom of thought and publication.

92. With regard to Afghanistan, it had been hoped that the withdrawal of Soviet forces in 1989 would lead to a lasting peace. But the forces formerly known as "freedom fighters" were currently striving not for peace but power, by means including armed provocation against neighbouring countries. People continued to die just as before, and over 5 million citizens were unable to return home. And progress towards the release of prisoners-of-war from the former Soviet Union was still being blocked by certain Afghan authorities - a humanitarian problem which should be promptly and unconditionally resolved. His delegation appreciated the Special Rapporteur's efforts in that regard.

93. The situation in Myanmar was unpromising. The military continued to repress any opposing political and intellectual movements, as well as national

and religious minorities, many of whose members had become refugees abroad. It continued to subject Daw Aung San Suu Kyi to house arrest, and had recently arrested and sentenced a number of opposition activists. His delegation called on the Myanmar authorities to release unconditionally all prisoners of conscience and allow them to participate in the nation's political life.

94. The worsening situation in the Sudan gave no grounds for hope; the Constitution had been suspended, and political parties, trade unions and the media had been suppressed. Conditions in the south amounted to civil war. The traditional culture and worship of non-Islamic communities were restricted. Somalia, too, was in a state of crisis, the struggle for power among numerous ethnic and political groups had resulted in a collapse of authority and the economy. Only intervention by the United Nations had brought some relief to the problem of starvation and saved thousands from actual extinction. His delegation was convinced that only a restoration of State structure could restore the exercise of human rights in Somalia.

95. In Cuba, a nation for which his country had the warmest regard, there was a disappointing lack of progress in the protection of human rights. The Russian Federation called on the Cuban authorities to uphold democratic rights and freedoms and to cooperate with the Commission's Special Rapporteur. Other countries in which the situation of human rights was disquieting included Haiti, Guatemala, El Salvador, Equatorial Guinea, Zaire, Togo, Angola, Burundi, Rwanda and Chad. The Commission had before it, at its current session, documents which pointed to what the international community should strive to do in order to help rectify the situation in those States. It was hoped that the Commission would also take decisions aimed at improving the situation of the inhabitants of East Timor, Sri Lanka and Bougainville.

96. The situations of violent conflict and bloodshed in various parts of the world should not be allowed to distract attention entirely from others which nevertheless bore the seeds of conflict. Such a case was Cyprus. His delegation reiterated the appeal to the leaders of both sides to uphold and observe the rights and fundamental freedoms of all Cypriots and, above all, to respect the rights of refugees, enabling them to return to their homes in peace and security, and to recognize the right of all citizens to freedom of movement, settlement and ownership. His country supported the Secretary-General's efforts in that regard.

97. Cambodia was undergoing a major transformation to democracy although significant obstacles to the exercise of human rights still arose in that country. One stemmed from the refusal by some forces to submit to central government control over the zones they occupied and to permit access by the representatives of humanitarian bodies. It was unacceptable for any of the parties to ignore, entirely or partly, their human rights obligations, and all should be urged to exercise patience and restraint.

98. Russians noted with great interest the changes taking place in China. Economic liberalization in that country had proved what astonishing results could be achieved with the lifting of government controls: not only was China's vast population adequately fed, but it even exported its goods. The Chinese economic miracle had made itself felt in international markets, giving

rise to the serious hope that China would also direct its steps along the path of freedom, democracy and human rights. There had as yet, unfortunately, been no such movement, as the latest news from China showed.

99. There existed countries, regrettably, which were so cut off from the outside world that it was hard to obtain reliable information on their human rights record. From what information there was, however, it appeared that the situation in the Democratic People's Republic of Korea remained poor. His delegation had spoken at the forty-eighth session about the treatment meted out by government representatives of the Democratic People's Republic to its nationals who were engaged in Russian timber enterprises, to the extent that the Russian side had broken off an agreement on cooperation in the industry, despite its profitability. In the future, such cooperation could only take place if human rights and freedoms were respected and Russian law was observed.

100. As the twentieth century drew to a close the world still suffered from wars, cruelty and hatred. Human rights and dignity were still flouted. The best minds in the world had agonized over how to save humanity from the power of evil and fear and how to protect it from tyranny. It was noteworthy that the High Commissioner for Human Rights had echoed the thoughts of Andrei Sakharov regarding the interdependence of human rights and international peace and security. His delegation urged all Governments to cooperate actively with Mr. José Ayala Lasso, whom it invited to visit the Russian Federation at his own convenience.

101. Mr. Urrutia (Peru) took the Chair.

102. Mr. SUK JO LEE (Republic of Korea) noted that the current session of the Committee was the first since the World Conference on Human Rights, one of the most meaningful results of which had been the establishment of the post of High Commissioner for Human Rights. His delegation had been impressed by the High Commissioner's statement to the Commission, and was confident that he would be able to respond more effectively to the continuing grave violations of human rights throughout the world.

103. To maintain the momentum generated by the World Conference, the Commission should take the necessary follow-up measures in a systematic, non-confrontational and productive way.

104. In 1993 there had been a major breakthrough in efforts to solve the perennial human rights violations in South Africa and in the occupied Arab territories. His Government remained concerned, however, at the scale of violence engaged in by some groups which did not want to join in the goal of a democratic, non-racial and unified South Africa. Still more did it deplore the killing of Palestinians in Hebron on 25 February; such an unforgivable act of violence in no way helped the Middle East peace process. His Government urged the parties involved to show restraint.

105. Recent general improvements in the human rights situation and the advance of democracy around the world showed that a universal culture of human rights was attainable. It was regrettable that serious violations of human rights none the less occurred in many parts of the world, some of them systematic and

organized. His delegation strongly condemned the fact that some Governments were involved in the practices of summary and arbitrary executions, torture, enforced or involuntary disappearances and arbitrary detention. One such example was the situation in the former Yugoslavia. In that connection his delegation fully supported the establishment of the International Tribunal, since the international community had to take a greater share of responsibility for those whom their Governments were not willing or able to protect.

106. After expressing appreciation of the reports by Special Rapporteurs in respect of human rights violations in more than 10 countries, he welcomed the fact that some Governments, such as Myanmar, Sudan, Haiti and Guatemala, had cooperated by allowing the Special Rapporteurs to make fact-finding visits and regretted that others had not. Moreover, many had not complied with the Special Rapporteurs' recommendations. The Commission should consider more effective measures to elicit cooperation from Governments which did not do so voluntarily.

107. Turning to the issue of human rights infringements in the world's few remaining totalitarian regimes, he expressed his Government's deep concern at the fact that the international community overlooked the seriousness of abuses in those countries. Such neglect was due partly to a lack of openness and transparency in those societies and partly to a deficiency in the United Nations human rights mechanism. The Commission could not any longer simply depend on media reports of the shocking human rights abuses in some countries.

108. His delegation believed that the international community was deeply concerned about the serious human rights situation in the Democratic People's Republic of Korea, even though the Commission had been largely silent on the matter. The Democratic People's Republic claimed that there were no unemployed, no beggars, no vagabonds, no illiterates, no drug addicts in that country. Yet it was widely known that all forms of civil and political rights were severely infringed under a system of inhumane oppression. The deprivation suffered by the people of that country was camouflaged by their so-called self-determination, which concealed torture, enforced disappearances, summary executions, indoctrination and mock elections used to justify a one-party/one-candidate system. The south and the north of Korea had often been seen as a useful example of the contrasting human rights situation in a free democratic society and in a totalitarian regime. Unfortunately, however, the Democratic People's Republic of Korea lay outside the Commission's direct purview. If it was a human rights paradise, as it would have the world believe, why had the Commission or international human rights non-governmental organizations not been invited to learn how it operated? The answer was simple: the Democratic People's Republic was afraid to let the world see how bad its practices really were.

109. His delegation wished to reiterate his Government's firm commitment to the cause of human rights and democracy. In that connection, it was pleased to announce that in association with the Centre for Human Rights it would host the Asia-Pacific Workshop on Human Rights in Seoul in July 1994.

110. Mr. VIGNY (Observer for Switzerland) said that his country condemned any human rights violation wherever it occurred and irrespective of the regime in which it was perpetuated. It once again deplored the fact that the situations in many States where such violations occurred were not formally considered by the Commission.

111. A number of reports on the human rights situation in various countries including a report on the situation in the territory of the former Yugoslavia had, however, appeared under agenda item 12. The conclusions of the Special Rapporteur on the situation in Bosnia and Herzegovina were highly damning not only of the Serbs, who carried the greatest responsibility, but also of the Croats and the Muslims: those responsible for crimes such as blocking humanitarian aid, bombing civilian populations, ethnic cleansing - affecting mostly Muslims - and mass rape should be speedily prosecuted and punished by the International Tribunal. In Croatia there continued to occur all sorts of discriminatory practices and violations, particularly the expulsion of Serbs and Muslims. In the Federal Republic of Yugoslavia the situation had not improved - and indeed had deteriorated - in Kosovo, Sandzak and Vojvodina. His delegation believed that only full compliance by all the parties with the Special Rapporteur's recommendations was the only way of putting a stop to the intolerable suffering endured by the civilian population.

112. In Zaire, democratization was at a standstill because there were two Prime Ministers vying for power and legitimacy. Reports from various sources received by the Secretary-General showed that most human rights violations were carried out by the four security forces controlled by the President. The impunity enjoyed by those forces suggested that they acted with approval from the highest levels of the State. His delegation hoped that free and democratic elections could shortly be held.

113. In Togo, democratization had become embroiled in a power struggle which had led to serious human rights violations. The principal culprits, who went largely unpunished, were the security forces and the armed forces, most of which belonged to the President's ethnic group. To a lesser extent, opposition forces were also to blame. It should be noted, however, that the authorities had invited the Secretary-General to send a fact-finding mission to that country.

114. In Equatorial Guinea, the Government had failed to carry out many of the commitments entered into with the opposition in March 1993. It had, none the less, recognized the need to take measures to protect human rights, although such measures were not yet adequate. The authorities should implement the many recommendations made by the Special Rapporteur. If they did so, it would be possible to envisage the provision of technical assistance.

115. During his two visits to Sudan, the Special Rapporteur had noted massive and serious human rights violations both by the Government and by factions of the Sudan People's Liberation Army. Such violations affected all sectors of the population, but particularly women and children. His delegation urged the Sudanese authorities to continue to collaborate with the Special Rapporteur. He should be allowed to speak with anyone he chose, without fear of reprisals

for either party. The Government should seriously consider the allegations of violations and implement the many recommendations on improving the situation.

116. In Rwanda, the Special Rapporteur on extrajudicial, summary or arbitrary executions had noted many instances of violations of the right to life carried out on ethnic grounds by the civil and military authorities, the Rwandese Patriotic Front, the militias belonging to the political parties, secret organizations and private individuals. The Government had acknowledged its share of the responsibility and his delegation hoped that it would be willing and able to implement Mr. Ndiaye's recommendations, particularly that a campaign of national reconciliation should be mounted and that a mechanism to protect civilian populations from massacres should be put in place.

117. With regard to Cyprus, his delegation hoped that the human rights of the entire population, including refugees, would be restored, in accordance with Commission resolution 1987/50, and that cases of disappearances would be reviewed. It also noted that Israel had still not provided the Secretary-General with the relevant information on the human rights situation in southern Lebanon.

118. In Myanmar, serious violations of civil and political rights were common, particularly as they affected members of political parties. Despite the release of 2,000 political prisoners, hundreds more were still in detention and should be released, in particular, Daw Aung San Suu Kyi. His delegation welcomed, however, the Government's agreement with the High Commissioner for Refugees to allow the voluntary repatriation of Rakhine Muslims who had fled to Bangladesh. In addition, the National Convention should include human rights provisions in the draft Constitution.

119. In the Islamic Republic of Iran, the human rights situation, notably with regard to the Baha'i and Christian religious minorities, had not improved in 1993 either legally or in practice. Only the implementation of the international human rights instruments would bring about a real improvement in the situation. The Iranian Government should cooperate fully with Mr. Pohl, allowing him to visit the country in 1994, to move freely and to communicate with anyone he wished. His delegation also requested an end to assassination attempts directed against members of the Iranian opposition living abroad and urged the authorities to cooperate closely with other States in prosecuting those responsible for such acts.

120. As for Iraq, the Special Rapporteur had noted the concentration of legislative, executive and judicial powers in the hands of a very small number of people. That in itself was a systematic violation of human rights in an institutionalized form. The political and legal organization of the State led to extremely serious and massive human rights violations, for which the organs of the State had collective responsibility and its leaders had personal responsibility. Only a genuine dialogue with the United Nations and the implementation of the numerous recommendations made by the Special Rapporteur could make a gradual impact on the human rights situation.

121. In Afghanistan, the situation was severely affected by the internal armed conflict. In the absence of a central authority which could assume responsibility for respecting human rights commitments entered into by

Afghanistan, Switzerland appealed to the parties to apply the minimum standards of both human rights and humanitarian law, especially article 3 of the four Geneva Conventions of 1949. With regard to East Timor, his delegation regretted that the actions of the Secretary-General and the Commission had been unable to put a stop to human rights violations committed by Indonesian security forces. The situation could be improved only if the Indonesian authorities cooperated more closely with the Commission and took measures to implement its recommendations. The same was true, mutatis mutandis, of Bougainville, where human rights violations persisted in the context of the armed conflict waged since 1989 between the security forces of Papua New Guinea and the revolutionary army of Bougainville.

122. Turning to the situation in Latin America, he said that the positive results achieved by Cuba in the sphere of economic and social rights could not justify the serious violations of civil and political rights noted by the Special Rapporteur. His delegation doubted, however, whether the economic isolation of one State by another could contribute to improving the human rights situation. It was in Cuba's own interest to invite the Special Rapporteur to observe the situation for himself. As for Haiti, the extremely serious situation noted by Mr. Celli fully justified the continuation of his mandate. Only national reconciliation based on respect for the agreements of July 1993, together with a programme of advisory services on human rights, could alleviate the serious human rights violations in that country. In Peru, on the other hand, with its continuing struggle against the terror practised by two armed groups in opposition, the Special Rapporteur had noted a diminution in the number of extrajudicial, summary or arbitrary executions. It was also noteworthy that when the security forces showed respect for human rights, including those of their opponents, their efforts against the armed groups were also more successful. His delegation hoped that the presidential guidelines on respect for human rights, issued in 1991, would in the future be translated into action and thereby contribute to improving the alarming situation with regard to the right to life. In Colombia, too, where summary executions were also widespread, the authorities should invite the Special Rapporteur to visit the country.

123. The Commission might, under article 12, also have before it the human rights situation in Angola, Burundi, China, Sri Lanka and Jammu and Kashmir; however, it was a fact that many countries where infringements of human rights were commonplace continued to escape public criticism by the Commission. His delegation believed that a clear distinction should be made between situations raised under agenda item 12 and situations raised under agenda item 19. Serious and repeated violations of human rights should be dealt with exclusively under item 12, whether they occurred in an authoritarian regime or a conflict situation as, for example, in Somalia, Angola or Georgia. Meanwhile, agenda item 19 - advisory services in the field of human rights - should be restricted to countries in the process of a genuine democratic transition, such as Albania and Romania. Certain situations, however, would lend themselves to various interpretations, as was the case in Guatemala and El Salvador, where the extent of the violations ought to indicate which agenda item would be appropriate.

124. Lastly, his delegation reminded the Commission that the Vienna Declaration had been the reflection of a minimum political consensus on the part of the entire international community on the question of human rights. If each State carried out its commitments, it would be a big step forward towards improving the human rights situation throughout the world.

125. Mr. WANG Guangya (China) said that anyone who respected the facts could recognize that never before had the Chinese people enjoyed human rights and fundamental freedoms as adequately as they currently did. A few countries and non-governmental organizations, however, intentionally distorting the facts, had launched unfounded charges against the Chinese Government and were even plotting to draft a resolution directed against China. His delegation therefore felt compelled to lay bare the truth.

126. The so-called human rights questions in China were politically motivated fabrications. A small number of Western countries and non-governmental organizations had in recent years attacked his country for human rights violations and concocted draft resolutions in the Commission; they either purposely ignored the truth or knew little about the real situation in China.

127. The Chinese Government was fully dedicated to economic construction, aiming at the modernization of the country. It was profoundly conscious, however, that in order to achieve that goal there was an imperative need for a stable and harmonious social environment. A tumultuous China would not only be disastrous for the Chinese people, but would also have serious repercussions on stability in Asia and throughout the world. For that reason the Government was implementing a policy with economic construction as its centre-piece, at the same time introducing reforms and building socialism with Chinese characteristics. Events had shown that the choice was correct; it was now bearing fruit. The country was experiencing rapid economic development, political stability, harmony among its 56 different nationalities and social advances. It was perfecting its democratic and legal institutions and the living standards of the people were constantly on the rise.

128. The question therefore arose why some countries and non-governmental organizations ignored those facts and tried to focus attention on the so-called "human rights question in China". The blunt answer was that they hoped in that way to put political pressure on China, forcing the Chinese people to deviate from the path of development that they had chosen for themselves, based on their own national conditions. The Chinese people and the Chinese Government would never accept that kind of pressure.

129. Accusations of so-called human rights violations were unfounded. Some countries attacked China on the basis of hearsay, rumour and distorted information. Some non-governmental organizations resorted to sensationalism in their attempts to defame China by fabricating irresponsible lies.

130. Turning to some specific questions relating to torture and the treatment of prisoners, he said that China was a democratic country where the rule of law was respected. The Constitution and legislation strictly prohibited torture and protected the rights of prisoners. Yet some non-governmental organizations had recently claimed that Tsentsen Norgye had been tortured in prison and had become totally blind. When that had proved to be a groundless

rumour, they had diverted their attention to the alleged illness of Wang Juntao. The truth was that he had already contracted hepatitis before his arrest. The judicial authorities had granted him humanitarian treatment in prison and had even sent him to one of the best hospitals in China, covering all his medical expenditure. The lies about his being deprived of medical treatment had been concocted as a pretext for interference in China's judicial affairs by some forces outside China.

131. As for so-called summary execution, China had, like most other countries, not abolished the death penalty. It continued to be a legitimate action to take against a very small number of criminals who severely damaged the social order or people's lives, property and security. The application of the death sentence was, however, subject to strict limitations and approval procedures. There was simply no question of summary execution in China.

132. As far as Tibet was concerned, the real motive of those who raised the issue of so-called human rights in Tibet was to dismember China. The Chinese delegation had presented its case and systematically refuted erroneous views on the matter on numerous occasions. He therefore wished to emphasize just one important point: more than a million Tibetans had thrown off the yoke of serfdom, become their own masters and begun to enjoy democratic rights, including the freedom of religious belief, only after 1959, when the Chinese Government had abolished serfdom and carried out democratic reforms in Tibet. Since then the Tibetan economy had grown rapidly, while its distinctive culture had received full respect and been allowed to develop. Some people still ignored such facts, repeating that the Chinese Government was violating human rights in Tibet, but they had an ulterior motive: they were using the human rights issue in order to incite and support a handful of Tibetan separatists engaged in splitting Tibet from China. The political motivation of some non-governmental organizations was clear from their open advocacy of an "independent Tibet".

133. The incitement of national hatred and the dismemberment of sovereign States had already caused turmoil, conflict and war in many parts of the world, constituting a threat not only to regional and global stability but also to the human rights and fundamental freedoms of millions of people. He reiterated that the safeguarding of the territorial integrity and the unity of all nationalities in the country was a principle embodied in the Chinese Constitution. It was in the fundamental interest of Chinese people of all nationalities, including Tibetans. No attempt to wrest Tibet away from the rest of China would succeed.

134. Since joining the Commission, the Chinese Government had always taken an active part in its activities and supported its work in accordance with the purposes and principles of the United Nations Charter. It was, however, strongly opposed to any vicious slander or defamation of a sovereign State in the name of human rights. Following the World Conference on Human Rights, it was high time that the Commission put an end to behaviour that diametrically opposed the spirit of international cooperation established in the Vienna Declaration and Programme of Action.

The summary record of the second part of the meeting appears as document E/CN.4/1994/SR.60/Add.1

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Fiftieth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)*
OF THE 60th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 March 1994, at 7 p.m.

Chairman: Mr. URRUTIA (Peru)

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* The summary record of the first part of the meeting appears as document E/CN.4/1994/SR.60.

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GE.94-12341 (E)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) THE QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3-6, 7 and Corr.1 and Add.1-2, 8, 46-61, 97, 102-104, 110, 115, 119, 120, 122 and 123; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40, 42-44, A/48/526 and Add.1, 561, 562, 578, 584, 600 and Add.1, 601)

1. Mrs. MALUA (Malawi), referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7), said that her delegation wished to place on record that most of the information contained in the report represented the situation as it had been prior to the national referendum of 14 June 1993.

2. She was pleased to inform the Commission that positive action had been taken by the Government since then, including the enacting of the General Amnesty Act granting an amnesty to all political and religious exiles, the amending of the Preservation of Public Security Act so as to remove all provisions relating to detention without trial, the repeal of the Forfeiture Act, the review of the jurisdiction of the traditional court system, whereby serious offences could now only be tried by the High Court, and the amendment of laws restricting freedom of expression and the press. The above were only a few of the legal and other reforms currently taking place in Malawi.

3. Her delegation wished to reassure the Commission that the Government and people of Malawi were committed to democracy and were peacefully programming the holding of general and presidential elections on 17 May 1994. Malawi had every confidence that the international community would assist her wholeheartedly in ensuring that the process taking place was not jeopardized.

4. Mr. PORTALES (Chile) referred to the very negative effect that the revision of the traditional notion that it was States which observed or violated human rights would have on the international system for the protection of those rights. Some Governments and non-governmental organizations had tended in recent times to take the view that groups of individuals could, in the same way as States, violate fundamental human rights.

5. If human rights were to be valid in a society, its members must be aware of them and integrate them into its rules and institutions; the basic aim of laws regulating the social order should be to promote and guarantee the exercise of human rights, while the authorities implementing the laws should be imbued with their spirit. Those whose task was to punish transgressors should then be concerned with defending the individual's exercise of his human rights. That meant that politically organized within the State society was the key factor in the observance or violation of human rights since the State was the basic entity for the political mediation of the members of society.

6. A democratic State ensured observance of human rights through legislative, executive and judicial activities; respect for or violation of

those rights were therefore social and political acts which went beyond the responsibilities of the individuals performing them. Thus, the killing of a detainee by a policeman was a serious crime which did not in itself constitute a violation of the right to life. Such a violation would involve additional factors, for example, an express order from the official's superiors in the context of a policy of State terrorism, or government complicity or negligence to ensure the impunity of the official although the Judiciary might endeavour to investigate and punish the act and although the motive for the offence might not be political. Such a violation of the right to life was defined by its institutional nature, whether in the planning of the offence, in its execution or in its subsequent concealment, clarifying the basic difference between the concept of "offence" and "human rights violations".

7. The observance of or violation of human rights also had an institutional aspect, not only from the point of view of the individual concerned but also from that of those who benefited from their observance or suffered from their violation. When the State endeavoured to ensure that no harm came to the property of a person as a result of an offence committed by a third party, it was generating a situation of respect for human rights, valid for society as a whole; conversely, when the rights of an individual were adversely affected by the State, it generated a situation of human rights violation, valid for society as a whole. Respect for the human rights of the individual would be affected if the number of offences exceeded the State's capacity to prevent or punish them, but in that case the State would itself commit a violation by failing to fulfil its basic duty of guaranteeing the safety of its citizens.

8. It was the State's claims with regard to respect for human rights which made it possible to sign international treaties for the protection of human rights and to establish the treaty monitoring bodies. If that concept were modified and it was accepted that human rights could be violated both by States and by individuals or organized groups within a society, the entire international human rights system would be called into question or become meaningless. There would be an absurd situation whereby the system, if it wished to retain its objectivity, would be obliged to concern itself not only with complaints against States but also human rights violations committed by individuals or groups, and in so doing become involved in matters whose investigation and punishment were the exclusive competence of the domestic legal systems of the countries in question. The situation might arise whereby the United Nations might even appoint special rapporteurs to investigate human rights violations committed in certain countries by large criminal groups such as terrorists or drug traffickers. It should, however, be borne in mind that when a subversive group became a political authority with territory under its jurisdiction, it also acquired responsibility for the effective exercise of the human rights of the population under its authority, in which case the international community could legitimately monitor the situation.

9. His delegation therefore called on the United Nations system to preserve the institutional sense of the concept of the observance or violation of human rights so as to avoid a distortion which might have disastrous effects on the international system for the protection of human rights.

10. Mr. FLINTERMAN (Netherlands) said that the question of the impunity of perpetrations of human rights violation was a phenomenon that was manifesting

itself worldwide. There could, however, be no rule of law where impunity persisted. Further, it was the primary responsibility of Governments to tackle the problem and to come up with genuine solutions. It was up to the international community and in particular the Commission to assess the value of the measures adopted to fight impunity. The issue of impunity was addressed in the reports of several of the special country rapporteurs, as well as in those of the thematic rapporteurs and working groups; all those documents bore testimony to the fact that impunity stood in the way of an effective elimination of large-scale systematic and gross human rights violations by government authorities or agents.

11. Since national action did not appear to suffice, international involvement in the elimination of impunity was legitimate under the Charter of the United Nations and existing international human rights treaties and was considered to be a problem to be addressed through United Nations mechanisms. The involvement of the United Nations lay mainly in the field of jurisdiction, for example, by establishing the obligation of States to investigate allegations of human rights violations, to bring the perpetrators to justice and to adopt preventive measures. It also involved urging States to refrain from taking special measures, such as amnesties on behalf of such perpetrators.

12. However, considering the delicate and complicated task facing new Governments, that approach was not a panacea. The new officials in young democracies had suffered under the previous regime and had advocated the punishment of the former authorities for human rights violations. Once in power themselves they found that their quest for justice was subordinated to establishing and keeping law and order. To do so, they depended to a large extent on the old framework of society. They faced the contradictions between the need for justice, the preservation of collective memory and the political constraints of conciliation. In order to lend credibility to the rule of law, the new rulers needed to bring the offenders to justice, but very often they were precisely the people depended on for maintaining the public order needed to uphold the rule of law. Support by the international community could help to overcome the dilemma.

13. Although the systems incorporating patterns of human rights violations could be redressed, the sufferings such violations had caused could not. It was clear that the question of impunity should not only be dealt with from the point of view of doing justice, but also from the perspective of the victim and society at large, in the direction of national conciliation. In his final report (E/CN.4/Sub.2/1993/8) to the Sub-Commission Mr. van Boven had stressed the importance of the revelation of the truth as the first requirement of justice and of reparation and guarantees of non-repetition for victims of gross violations of human rights.

14. In their interim report (E/CN.4/Sub.2/1993/6) on impunity to the Sub-Commission, Mr. Guissé and Mr. Joinet had touched on the importance of non-governmental organizations in combating impunity, in that they provided the means for the victims to organize themselves and voice their grievances, could pressure Government into action in the investigation of alleged violations, and could be valuable allies of new democratic Governments in coming to terms with the legacy of former regimes. They could help new

Governments to deal with pressure from the former authorities to escape justice. However, that role did not detract from the primary responsibility of the Government itself.

15. The question of impunity must be dealt with on the basis of a comprehensive system of guidelines which did justice to the victims and at the same time left intact conditions for the establishment of a civil society under the rule of law. His delegation would continue to support all efforts to eradicate impunity.

16. Mr. MEGHLAOUI (Observer for Algeria) said that on 29 July 1993 the Special Rapporteur on extrajudicial, summary or arbitrary executions had drawn his Government's attention to allegations which had been brought to his knowledge. The Algerian Government had replied, specifying that its answer should not be construed as implying any recognition of the allegations which could not be described as extrajudicial, summary or arbitrary executions: they concerned persons who had been tried and sentenced for crimes committed prior to the promulgation of the Subversion and Terrorism Act of 30 September 1992. The promulgation of that Act had been made necessary by Algeria's current difficult security situation. His Government's initial reply to the Special Rapporteur, clarifying how the Special Courts worked, had also been concerned to appease the understandable misgivings which the promulgation of emergency legislation automatically aroused in defenders of human rights. The Government had further invited the Special Rapporteur to visit Algeria in order to investigate the activities of the Special Courts. The Special Rapporteur had met a delegation of legal experts from Algeria and he had been provided with detailed documentation on the implementation of the Subversion and Terrorism Act and the working of the Special Courts.

17. In order to clarify the situation, his delegation wished to specify that there were no courts of special jurisdiction in Algeria; the Special Courts instituted by the Subversion and Terrorism Act of 1992 were courts of general jurisdiction specializing in cases of terrorism - a practice which was not specific to Algeria. The Special Courts comprised professional magistrates exclusively; the Constitution embodied the principle of the independence of the judiciary. The basic principle of their operation was that the Code of Criminal Procedure applied to offences coming within the jurisdiction of the special courts with the exception of some adjustments under the Subversion and Terrorism Act, none of which were detrimental to the rights of the defence.

18. Under the Subversion and Terrorism Act, persons charged could be assisted by one or more lawyers of their choice. During investigation, the three traditional phases of criminal procedure were respected. The presiding judge had no prerogatives other than those relating to the smooth running of the trial. Hearings were public and open to journalists from the national and international press and decisions were handed down publicly. Like decisions handed down by the criminal courts, they could be reviewed by cassation by the Supreme Court as provided for in the Code of Criminal Procedure. Generally speaking, all the normal remedies were available to defendants in the Special Courts at any stage of the proceedings. In accordance with the provisions of the Constitution and the law, if all remedies had been exhausted, anyone under a death sentence could appeal to the Head of State for pardon. The death penalty was only carried out if that appeal were rejected and could not be

carried out on a person who was seriously ill or insane, a pregnant woman or mother of a young child. No minor had been sentenced to death in Algeria.

19. The Subversion and Terrorism Act had encouraged repentance. It had made provision for considerable reductions in sentences including the death penalty, for those who ceased all terrorist activity. The Algerian Government considered that a death sentence could only be imposed for the most serious crimes; that was why the special courts could impose it for terrorist crimes. The Government also considered that death sentences should not be carried out on persons under 18 years of age since Algeria's cultural and emotional environment would not permit it. No minor had been executed in Algeria since independence.

20. Algeria was engaged in the immense task of constructing a modern and liberal society open to progress while still conserving its ancestral values. States in that position were confronted with difficulties on which political extremism flourished and their situation was complex; any examination of it must be based on what it was actually experiencing and not on a general formula. Cooperation was needed to promote and protect human rights with patience, understanding and dialogue and not denunciations and accusations. Allegations of human rights violations had currently become a means of defence often used by persons who wished to escape the rigour of the law. His delegation believed that care should be taken to ensure that genuine human rights organizations did not allow themselves to be used and did not become part of the strategy employed by terrorists. Some reports tended to use terms like "armed groups" or "armed opposition" to refer to terrorists, which could be interpreted as a first step towards legalizing their acts. A terrorist could not be described as anything else without insulting his victims' memory.

21. The Algerian Government had resolved to banish violence as a form of political expression or of access to power and had chosen to deal with the difficult situation currently existing in the country through dialogue. It was determined to take advantage of the period of transition to bring into being the political conditions to ensure a return to a democratic electoral process. The Special Rapporteur had appealed to Governments to reform their anti-terrorist legislation. The desire of the Government of Algeria was not to reform it but to repeal it and it hoped for the encouragement of all who were genuinely concerned with human rights.

22. Mr. AKRAM (Pakistan) said that the gravest violations of human rights in the course of history had occurred as a result of foreign military intervention, occupation and the denial of the rights of peoples to self-determination. The Government of Pakistan had welcomed the establishment of the Mujahedin Government in Afghanistan after a long struggle against foreign intervention and had made every effort to secure the release of prisoners of war from the CIS States.

23. Pakistan had provided shelter to more than 3 million Afghans for almost 15 years at tremendous social, economic and ecological cost; one and a half million Afghan refugees remained in Pakistan. Despite its own economic difficulties, Pakistan continued to provide humanitarian assistance to Afghanistan where it had made energetic efforts to halt the fighting and to help the parties to embark on a process of political reconciliation and peace.

24. His Government was deeply concerned about the situation of human rights in the occupied Arab territories. The massacre in Hebron on 26 February had been a consequence of the policy of maintaining Israeli settlements there, not only in defiance of the resolutions of the Security Council but also of common sense. Pakistan hoped that a final settlement would conform to the provisions of Security Council resolutions 242 (1967) and 338 (1974) and respond to the legitimate rights and aspirations of the Palestinian people.

25. With regard to the Cyprus question, Pakistan supported Security Council resolution 649 (1990) which, inter alia, provided for the establishment of a bizonal, bicommunal federation and hoped that the proximity talks under the aegis of the Secretary-General would produce positive results.

26. In view of the extremely grave situation prevailing in Bosnia and Herzegovina and Kosovo, the member countries of the Organization of the Islamic Conference had decided to table separate resolutions on those two subjects to complement the omnibus resolution of the United States delegation on the situation in the former Yugoslavia. The Pakistan delegation also supported the initiative of the Malaysian delegation which had tabled a resolution on the question of rape and abuse of women in Bosnia and Herzegovina.

27. Religious intolerance had reached new dimensions of gravity in recent times and in Bosnia and Herzegovina ethnic cleansing had become a euphemism for religious cleansing. His Government was gratified that the World Conference on Human Rights in Vienna in 1993 had devoted a significant part of its Declaration and Programme of Action to the problem of racism, racial discrimination, xenophobia and other forms of intolerance. The world community needed to turn its attention to racist practices in certain countries which were divided into castes determined on the basis of birth, a practice which amounted to multiple apartheid needed to be honestly addressed.

Statements in exercise of the right of reply

28. Mr. do AMARAL (Indonesia) said that the statement by a self-proclaimed eye-witness speaking under the umbrella of the Movement against Racism and for Friendship among Peoples regarding a second massacre in Dili, East Timor, could not go unchallenged. There were credible eye-witnesses in East Timor, including the former governor, who had been personally involved in helping injured demonstrators immediately after the Santa Cruz incident; in the event of a massacre, the governor would have raised the issue. It might also be wondered why the problem had not been reported in the national and international media. The facts further indicated that the population of Dili were not aware of the so-called "second massacre"; had it happened, it would also have led to an international outcry back in 1991 and 1992.

29. He wished to ask why the persons who claimed to be eye-witnesses had only mentioned the "second massacre" recently and just before the fiftieth session of the Commission on Human Rights, three years after the alleged event.

30. He wished to inform the Commission, and in particular non-governmental organizations which claimed to be interested, that the truth was that the people of East Timor aspired to a peaceful and harmonious life in the fold of

the Republic of Indonesia. The international community should help the people of East Timor by refraining from instigating hatred among them.

31. Mr. CUESTAS (Observer for Guatemala) said that the only contribution of certain non-governmental organizations to the work of the Commission was to present a distorted image of the situation in the countries represented in the Commission in referring only to civil and political rights and omitting economic, social and cultural rights; they were nevertheless all interdependent.

32. Guatemalans believed in democracy and government with the consent of the majority of the people. The basic features of democracy should be a legitimate mandate from the people, their genuine consent to be governed and their effective participation. Although democracy represented challenges and risks for nations its advantages included the guarantee of individual political, economic, social and cultural rights.

33. His Government was transforming Guatemala into a vigorous and forward-looking democracy in accordance with human rights standards in order to construct a socially progressive and politically stable country. While his delegation welcomed contributions to the work of the Commission by non-governmental organizations which were genuinely concerned with the implementation of human rights in the world, it could not accept the distorted image of the situation in Guatemala presented by other organizations.

34. As the members of the Commission were aware, Guatemala had made serious efforts in the sphere of human rights. In that context, the President of Guatemala had replaced several ministers of his Government and a public investigation was being conducted into a crime committed by a politician of his own party.

35. Mr. ALKADHI (Observer for Iraq) said that the representative of the United States, speaking earlier that day, had described the blockade against Iraq as a means of allowing the people of Iraq to breathe and progress. He asked how the United States, as the only State to maintain the embargo against Iraq, could imagine anything of the sort. The embargo was having catastrophic consequences and it was the United States which bore the basic responsibility for the fate of Iraq's women and children. The United States was the last nation which should be talking about human rights; Iraq could point to flagrant human rights violations by the United States throughout the world.

36. The statement by the United States delegation, claiming that Iraq sheltered an Iranian terrorist organization was unfounded

37. The claims made by the representative of the Al-Sabah family were a political masquerade to win the sympathy of international public opinion and maintain the blockade against Iraq but had no basis in fact, since Iraq had, in fact, cooperated with ICRC and the Arab League and had proved that there were no prisoners or missing persons in the country.

38. Mr. ZAHRAN (Observer for Egypt) said that his delegation had been surprised at the reference in the report (E/CN.4/1994/7) of the Special

Rapporteur on extrajudicial, summary or arbitrary executions to allegations that death sentences had been carried out in Egypt on minors under 18 years of age; there had been no executions of that type in Egypt.

39. The death sentence was subject to all the guarantees of the law. Egypt permitted military courts to judge certain crimes, but their decisions were only executed when all remedies were exhausted. The cases in question concerned terrorists who had committed human rights violations, particularly against the right to life. The Egyptian courts had always applied Egyptian laws in accordance with international human rights agreements, guaranteeing the right of defence and the rights of all innocent parties and punishing those who threatened society and the rights of the individual. The death penalty was restricted to serious crime, although increased terrorist activities in recent times had led Egypt to take the necessary measures to protect society. All death sentences were carried out in the context of the law and could not be described as summary or arbitrary.

40. Mr. MEGHLAOUI (Observer for Algeria) recalled that the Special Rapporteur on extrajudicial, summary or arbitrary executions had stated that Algeria was one of the countries where minors under 18 years of age were sentenced to death and even executed. Although his delegation had discussed the matter personally with the Special Rapporteur and had received a letter from him admitting his mistake, it regretted to have to say that a mere letter could not erase the harm caused to the Government and people of Algeria, and requested reparation for the "mistake" made before the Commission on Human Rights.

41. He drew the attention of the 42 sponsors of draft resolution E/CN.4/1994/L.95 to the paragraph concerning the Special Rapporteur's report (E/CN.4/1994/7/Add.1 and 2 and Corr.1). His delegation requested that the name of Algeria should be removed from the list of countries which sentenced or executed minors under 18 years of age, that document E/CN.4/1994/7/Add.1 and 2 and Corr.2 should be issued, and that draft resolution E/CN.4/1994/L.95 should be amended accordingly.

42. Mr. PEREZ NOVOA (Cuba) said that when the representative of the United States had expressed his Government's concern for human rights violations throughout the world, he had omitted to include his own country with its systematic policy of racial discrimination and its interminable list of human rights violations. Cuba would resist the imposition of models which did not satisfy its needs. It would resist losing its independence and sovereignty and the social and political achievements of the past 35 years during which it had set foot on the road to true democracy and led the vanguard in Latin America. Freedom of expression was the right of all Cuban citizens and the country itself was the expression of freedom that resulted from the genuine exercise of self-determination.

43. The documents and reports submitted to the Commission gave ample evidence of Cuba's cooperation with United Nations human rights procedure although that did not mean that Cuba would cooperate with a special rapporteur imposed by force on the Commission by the United States.

44. His delegation was of the opinion that the Russian Government had little to teach Cuba about human rights after bombing its own Parliament and creating the conditions for violations of the economic and social rights and fundamental freedoms of the Russian people.

45. He suggested that it would also be in the interest of the Government of Switzerland to take vigorous action to eliminate practices related to the sale of children, pornography and child prostitution, in full cooperation with the human rights system of the United Nations.

46. Mr. AL-SALLAL (Observer for Kuwait) said that the representative of Iraq had claimed that his Government had proved that it held no Kuwaiti prisoners; his own Government would like to know to whom that proof had been demonstrated. A tripartite commission of the International Committee of the Red Cross, Kuwait and Iraq effectively existed, but Iraq continued to refuse to attend. His delegation had submitted hundreds of documented files proving that prisoners were indeed held by Iraq but no reply had been received from that country. His Government considered that Iraq had eliminated its prisoners or was keeping them as hostages for political bargaining, both of which activities were war crimes.

47. Members of the Commission would have noticed that the representative of Iraq had not mentioned his country by name in contradiction of the Security Council resolution which laid down that Iraq must recognize Kuwait was a member of the United Nations.

48. Mr. ZHANG Yishan (China) said that the western countries, including the European Union and Sweden, had criticized human rights in some 140 or 150 developing countries but had failed to mention their own numerous human rights problems, as was typical of their policy of double standards.

49. The western countries used human rights to exercise political pressure on other countries, including China; they were not familiar with the situation in China and based themselves on rumours. Their attacks could not, however, affect China and could not cancel out what it had achieved. The Government of China had long pursued a policy of allowing its people to enjoy human rights with excellent results. China was often accused of being anti-democratic; democracy was not the same as in Europe but its pursuit was China's constant objective. Prior to the Republic, radical or gradual changes and reforms had been attempted with western democracy as the model; the result had been that the people had become impoverished and the country endangered. Before the creation of the new China, the people had not been able to fulfil their destiny or take decisions on their social system. The western countries would like to use human rights to change the choices the Chinese had made but they would be disappointed.

50. Where Tibet was concerned, it had been part of China for more than 100 years and would continue to be an integral part of that country.

51. Mr. MOTAGHI-NETAD (Islamic Republic of Iran) said that human rights were universal by nature and their violation by all countries, including those of the west, should be dealt with on an equal footing; the western world was clearly accountable for persistent violations of human rights throughout the

world. The measures taken by the European Union to curb racist sentiments among western youth and its indignation over the Hebron massacre which ignored that its root cause lay in the Jewish settlements in the occupied territories, constituted an attempt to whitewash its systematic violations in the past. If the real intention of the west, in investigating human rights violations, included the protection of the rights of Iranian citizens, the question must be addressed in all its aspects, including the massacre of thousands of Iranians by the chemical weapons shipped by the west to the aggressor's territory.

52. The right to hold a religion sacred was enshrined in the international human rights instruments. The Organization of the Islamic Conference considered that Salman Rushdie's The Satanic Verses transgressed all norms of decency and should be condemned under article 19 of the International Covenant on Civil and Political Rights.

53. All religious minorities in his country enjoyed equal political, economic, social and cultural rights with Muslims. They had reserved seats in the Islamic Consultative Assembly and their own publications, cultural programmes and religious places. Recent statistics with regard to freedom of expression, showed that more than 467 weekly and other publications on a variety of subjects were published in the Islamic Republic of Iran.

54. Mr. KPOTSRA (Togo) said that it was regrettable that the Commission's consideration of agenda item 12 had once again given rise to the ritual listing of countries where gross violations of human rights were alleged to occur. It was particularly ironic that the Russian Federation was one of the countries which had referred to Togo in that context. The Russian Federation could hardly be cited as a model of respect for human rights, given the ill-treatment constantly meted out to black African students in that country. His delegation suggested that nations which wished to give lessons to others should first ensure that their own hands were clean.

55. Mr. NGUYEN LUONG (Observer for Viet Nam), said that his country's position on human rights had already been clearly spelled out in the statement to the Commission by the Deputy Minister of Justice on 18 February 1994.

56. Viet Nam had for eight years followed a policy known as doi moi; it was not merely one of economic revival but a comprehensive process designed to strengthen the enjoyment of human rights for all Vietnamese within a State where the rule of law prevailed. The results of the policy of doi moi had improved human rights for the Vietnamese people and had shown that independence and stability were essential conditions for the protection and promotion of human rights. Eight years of doi moi, however, had not been sufficient to overcome the effects of several decades of war. That was why, parallel with the efforts being made in Viet Nam, his Government continued to strengthen its international cooperation and welcomed all sincere and constructive contributions.

57. Mr. BENHIMA (Morocco) said that his delegation was concerned to correct allegations by some non-governmental organizations about the human rights situation in Morocco, allegations which could only bring discredit on them; it had constantly had to correct their inaccuracies and counter their

disparagement of positive developments. Those organizations tended to disregard the reality of the referendum process and Morocco's willingness to settle the differences arising among the parties engaged in it. They also failed to bear in mind Security Council resolution 725 (1991) which had specified the criteria to identify individuals empowered to take part in the referendum; it should be recalled that thousands of Saharans had been deliberately excluded from the census organized by Spain in 1974. It was regrettable that the NGOs should deliberately allow themselves to be used in the campaigns organized by the Frente Polisario. Any claim to denounce abuses required objectivity and an accurate knowledge of the cases. His Government had never denied the essential role of the NGOs and continued to make known its willingness to engage in constructive dialogue with those of them which were prepared to be responsible and objective.

The meeting rose at midnight.

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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 61st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 March 1994, at 10 a.m.

Chairman: Mr. van WUFFTEN PALTHE (Netherlands)

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GE.94-12383 (E)

The meeting was called to order at 10.20 a.m.

1. Mr. PEREZ NOVOA (Cuba), speaking on a point of order, noted that the Commission was meeting on 8 March 1994, International Women's Day and said that his delegation wished to extend its warmest congratulations to all the women in the Conference Room, including members of delegations, the Secretariat, the press and non-governmental organizations. Its congratulations also went to women throughout the world who were struggling in defence of their rights and all human rights. His delegation assured them of its solidarity and eternal gratitude.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3-6, 7 and Corr.1 and Add.1 and 2, 8, 46-61, 97, 102-104, 110, 115, 119, 120, 122 and 123; A/48/526 and Add.1, 561, 562, 578, 584, 600 and Add.1, 601 and 875; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40 and 42-44)

2. Ms. FRITSCHE (Observer for Liechtenstein) said that the Vienna Declaration and Programme of Action had reaffirmed the commitment of all States to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms. Her delegation considered the Vienna document to be a milestone in the history of human rights and called for its early and effective implementation. It was convinced that the High Commissioner for Human Rights would play an essential part in achieving that goal.

3. The work of the special rapporteurs on thematic issues and on country situations was an indispensable element of the Commission's activities and all States should therefore contribute thereto by providing information, extending invitations and implementing the relevant recommendations. Her delegation also hoped that the necessary human and financial resources would be given to the special rapporteurs so that they could carry out their mandates fully and effectively. In that connection, she said that, in appointing special rapporteurs in the future, due regard should be given to qualified women, as recommended in the Vienna Declaration.

4. She reiterated her delegation's conviction that advisory services in the field of human rights should be limited to countries which clearly intended to make use of the assistance provided by the United Nations system as one element in a comprehensive programme to promote and protect human rights.

5. Racial discrimination, anti-Semitism, xenophobia and intolerance continued to exist in many parts of the world. Those phenomena were directed against the very basis of democratic societies and had therefore to be combated at the national as well as at the international level. Persons committing such criminal acts must be punished according to the existing legal

provisions but the international community must contribute to the eradication of such tendencies. She thus welcomed the appointment of a Special Rapporteur on that issue.

6. Her delegation was deeply concerned at the human rights situation in China, including Tibet. Information from various special rapporteurs clearly revealed that the administration of justice there did not come up to international standards. The situation in Tibet had not improved and the Government of China continued to apply a policy which threatened the cultural, religious and ethnic identity of persons belonging to minorities.

7. The final report of the Special Rapporteur on the human rights situation in the Islamic Republic of Iran (E/CN.4/1994/50) made it clear that that situation had remained virtually unchanged, with violations of human rights continuing to occur on a large scale. Discrimination against women persisted and, despite the reforms undertaken by the Government, the administration of justice fell short of the applicable international standards. There were alarming reports of acts of religious intolerance and, in particular, the Baha'i community continued to be subjected to discrimination and harassment.

8. The Government of the Islamic Republic of Iran should cooperate fully with the authorities of other countries in investigating reported attempts on the lives of Iranian exiles and refugees, especially when Iranian agents were implicated, and should refrain from any action constituting a breach of international law.

9. Most of the recommendations in Commission resolution 1993/97 relating to human rights violations in East Timor had still to be implemented, especially those concerning invitations by the Government of Indonesia to several thematic mechanisms. The implementation of those recommendations as well as any other measures designed to end human rights violations in East Timor were of the utmost importance.

10. As for the tragic situation in large parts of the territory of the former Yugoslavia, an exhaustive list of the human rights violations committed by all parties to the armed conflict - the Serbs being the prime culprits - would be almost identical with a list of the thematic mechanisms established by the United Nations human rights system. Her delegation was, however, particularly horrified at the odious practice of ethnic cleansing and the systematic rape and sexual abuse of women and children. The Special Rapporteur's conclusion, after 18 months of untiring commitment, that human rights played only a secondary role in the context of international politics was a challenge to the Commission, which must call for the full implementation of the Special Rapporteur's recommendations. She hoped that the International Tribunal established pursuant to Security Council resolutions 808 (1993) and 827 (1993) would soon be provided with the financial resources it needed to begin its work.

11. At the forty-eighth session of the General Assembly, her delegation had introduced some ideas concerning a new approach to the right to self-determination believing that, in the light of the numerous ethnic and nationality conflicts in the world, any attempt to avoid human suffering and maintain a more peaceful world was of great potential value. While the

subsequent discussion had made it clear that many aspects of those proposals were controversial, a considerable number of delegations had acknowledged that the issue deserved further consideration. Her Government would thus make appropriate efforts to pursue the matter further.

12. Mr. ANTONIO (Observer for Haiti) said that the first time a delegation of the legitimate Government of Haiti had addressed the Commission it had been to submit a programme of action that would make it possible to improve the human rights situation in its country. However, the coup d'état by the military in September 1991 had ended that democratic project when it had barely begun. Since then, his delegation's sad task had been to denounce the persistent and clear violations of human rights in Haiti by a handful of military officers who had usurped power.

13. According to reports from non-governmental organizations, nearly 4,000 persons had been killed and 55,000 tortured. To those murders and extrajudicial executions had to be added the thousands of persons who had died at sea fleeing from repression and the thousands of others who had disappeared.

14. The Governors Island Agreement, signed by President Aristide and General Cédras in July 1993, provided for the return of the President to power in October 1993. The military had not respected that commitment and, with their accomplices, they had mocked the international community and continued to violate the rights of Haitians.

15. After referring to murders committed by and on behalf of the military, he said that the massacre which had taken place in February 1994 was further proof of the cruelty of the military and their accomplices. About 50 persons, both military and civilians, had broken into an abandoned house where a group of young persons who had been threatened by members of FRATH, a terrorist association, had taken shelter. Fourteen bodies had been found and the whereabouts of the survivors, who had been taken away by the murderers, was not known.

16. One of the consequences of the coup d'état was the disruption of the Haitian family. More than 300,000 persons had had to flee their homes because of the military's reign of terror. His delegation hoped that the Secretary-General's Representative on internally displaced persons would take them into consideration.

17. About 40,000 Haitians had risked their lives in fragile boats to seek refuge abroad. Very few of those who had successfully made the crossing had been granted temporary asylum; the others had been taken to makeshift camps before being returned to Haiti. Such refoulement was forbidden by article 33, paragraph 1, of the Convention relating to the Status of Refugees and his delegation called upon all the States concerned to grant Haitian refugees the provisional refuge they sought for the duration of the crisis and upon the High Commissioner for Refugees to take stronger action on their behalf.

18. His Government acknowledged the efforts made by the Commission and considered that, by unreservedly condemning the military take-over at each of its sessions, it had fulfilled its responsibilities. Any attempt to diminish

the role of the international community in the search for a solution to the Haitian crisis would undermine the international legitimacy of his country's fight for democracy.

19. The Haitian people refused to envisage anything but victory in its struggle for the rule of law. In that connection, his delegation hoped that the Commission would strongly support the integral implementation of the Governors Island Agreement which remained the only valid framework for resolving the crisis.

20. Bearing in mind the recommendations contained in the report of the Special Rapporteur (E/CN.4/1994/55, paras. 227 and 228) his delegation also requested the Commission to recommend a set of practical measures to implement as soon as possible the objectives of the Organization of American States and the United Nations and put an end to the defiance by a handful of Haitian officers of the international community. It also used the Commission to extend the Special Rapporteur's mandate.

21. Mr. MORA GODOY (Cuba) said that his delegation would have preferred consideration of the human rights situations in El Salvador and Guatemala to have remained under agenda item 12. In the case of El Salvador, it considered that, despite the advances made, no progress had been achieved with respect to the fulfilment of the Agreement signed and that the recent murder of FMLN members demonstrated the need for the Commission to send a clear signal of condemnation. His delegation had played a modest part in the search for a consensus, but greater transparency in the participation of the parties concerned would have been more beneficial for the negotiation process.

22. As for Guatemala, the independent expert had provided sufficient elements in his report (E/CN.4.1994/10) to justify the Commission's concern about the human rights situation there. Measures to prevent violations of human rights were still insufficient and efforts should be made to ensure a continuation of the dialogue between all the parties.

23. His Government considered that the situation in Haiti, where the military had seized power and the legitimate President had been exiled - as a result inter alia of manipulation by a nation which was the self-proclaimed champion of human rights - deserved more practical action by the Commission. His delegation thus strongly supported the adoption of the resolution on that question.

24. During the discussion of the item under consideration participants had once more heard repetitive and tedious statements, one of which had lasted about an hour, aimed at convincing the members of the Commission that no serious human rights violations occurred in the industrialized and civilized societies of the North, that the economic and political model in that part of the world was the only one capable of dealing with such violations and that the countries of the South were the ones that merited international scrutiny. The countries of the North were not only untouchable in the Commission but they reserved the right to tell other delegations what to do, in a so-called new international order in which the Northern delegations were the perennial accusers.

25. However, racist and neo-Nazi manifestations, ruthless repression of those protesting against unemployment and the high cost of living, the plight of thousands of migrant workers fleeing the misery imposed on their own countries by the international economic order, the horrible conditions in which ethnic minorities and indigenous peoples lived in the midst of scandalous waste, and the use of children for pornographic purposes were just some of the flagrant and massive violations of human rights that took place almost daily in Europe and North America. Every one of those violations merited the appointment of a special rapporteur.

26. His delegation wondered why it was not possible for the United Nations to play its genuine role of promoting and protecting human rights wherever they were violated in the world. Perhaps some members of the Commission were more equal than others. He was well aware that the powerful would resort to the most blatant forms of pressure, including blackmail, rather than engage in genuine cooperation to resolve such rather less than civilized situations in the Northern societies.

27. He had been amazed to hear some delegations express reservations in the Commission with regard to the real impact of foreign debt payments on human rights. It was the Governments those delegations represented which were responsible for the fact that 40,000 children died every day from curable diseases throughout the world, that families suffered from hunger, and that 80 per cent of the world's population lived in underdevelopment. Those same Governments had looked on in silent complicity while a parliament building was bombarded in the name of democracy and freedom, in utter disregard for the lives of the deputies inside.

28. A few days previously, the members of the Commission had been presented with a voluminous document containing the report of the United States State Department on human rights situations all over the world. Though making accusations right and left, that document failed to mention the United States of America itself. The mass media sought to give the impression that the United States was the most formidable defender of human rights and the champion of all freedoms. The real situation was somewhat different. There was no country in the western hemisphere which had not the United States to thank for such unfortunate incidents as the violation of its citizens' human rights by marines, by massacres caused by bombs made in the United States of America and by multinational corporations which exploited their workers, plundered their economic resources and destroyed their natural environment.

29. Mention should also be mae of the execution of minors and the mentally retarded, the miserable situation of 38 million persons living below the official poverty level, the increase in infant mortality among the black and Ladino populations, the concession of the sacred lands of indigenous nations to private companies, radioactive experiments on its own population, alarming discrimination against women and children, and police brutality.

30. All those situations, which no one could deny, were serious and required consideration by the international community. The reports submitted by the various thematic rapporteurs revealed that the United States Government did not deign even to respond to countless complaints of such violations, thereby demonstrating its lack of respect for genuine cooperation in the field of

human rights. That lack of respect was also demonstrated by the fact that the titular champion of human rights had signed very few of the international conventions and treaties on the subject.

31. Mr. KHURSHID (India), recalling the teachings of Mahatma Gandhi, said that his delegation welcomed the enhanced global commitment to the promotion and preservation of human rights. At the same time, it wished to stress that the evaluation of human rights records must be holistic in order to be effective.

32. The Constitution of India, adopted in 1950, had gone beyond the Universal Declaration of Human Rights and anticipated the two International Covenants on Human Rights. It guaranteed the rule of law and the human rights and fundamental freedoms of all citizens, irrespective of caste, creed, race, religion or sex. It also provided for the punishment of human rights violations. Among the other safeguards in India were a free and critical press, an informed public opinion and an active community of non-governmental organizations (NGOs). His Government maintained a long-standing dialogue with the Centre for Human Rights on many issues, a dialogue which it hoped to continue. It would also seek closer interaction with the Commission's thematic rapporteurs.

33. Given its high regard for the protection and promotion of human rights, his Government could not condone the pursuit of political or territorial goals in their name, and particularly in the name of the right to self-determination. It was preposterous to equate the right to self-determination with religion and with extraterritorial ambitions, for nearly all States were multi-religious and multi-ethnic to some degree and nations would become more, rather than less, pluralistic with the increased protection of human rights. Home to many ethnic, religious and linguistic groups, India had solid experience in achieving unity in diversity as part of an open society.

34. While Pakistan pretended to plead the cause of the people of Kashmir, it had actually done very little for the Kashmiris under its illegal occupation. By contrast, in the Indian State of Jammu and Kashmir, the per capita plan assistance over the past 20 years had been more than six times the national average.

35. The Pakistani appeal for self-determination in the Indian state of Jammu and Kashmir negated historical facts and was contrary to international law. It was motivated by the sole objective of territorial expansion and mistakenly viewed the state of Kashmir as one monolithic whole, rather than as a mixture of ethnic, linguistic, cultural and religious groups, including Muslims, Hindus, Buddhists, Sikhs and Christians. The history of Pakistan itself illustrated the futility of basing nationhood on religion.

36. For the Government of Pakistan, self-determination meant the forced assimilation of Jammu and Kashmir into Pakistan. Indeed, the Prime Minister of Pakistan had said as much on more than one occasion. Unable to accept that Jammu and Kashmir belonged to India, Pakistan had made it the target of

State-sponsored terrorism. In the past five years, thousands of men, women and children had died; women had been brutalized and raped; and children had been maimed, orphaned or forced into the cult of violence.

37. Given its own human rights record with regard to women, religious or ethnic minorities and political opposition groups and the fact that it was not yet a signatory to the major human rights instruments, Pakistan had no justification for introducing human rights resolutions against India. Draft resolution E/CN.4/1994/L.40 on the situation of human rights in Jammu and Kashmir was blatant Pakistani propaganda. The Commission should also consider that Pakistan's terrorist acts were in gross violation of General Assembly resolution 48/122 and draft resolution E/CN.4/1994/L.39/Rev.1 on human rights and terrorism.

38. His Government was committed to resolving the problems in Jammu and Kashmir through a revival of the political process. Behind the Pakistani request that the Commission should send a fact-finding mission to Jammu and Kashmir were political and territorial ambitions. There was no need for a fact-finding mission, for India a democratic State, was already open and transparent. No one could deny that the Indian Government had a responsibility to protect its citizens' human rights, which were being attacked by terrorists and their sponsors.

39. His delegation welcomed the transition to a united, democratic and non-racial South Africa and, in the Middle East, the signing of the Declaration of Principles on Interim Self-Government Arrangements. The Declaration must form the basis for a comprehensive settlement and the restoration of the legitimate rights of the Palestinian people. The tragic incident at Hebron should be taken as a warning signal in that connection. His delegation fully supported the unity, independence, territorial integrity and non-aligned status of Cyprus. It was concerned about the slow pace of peace negotiations among the three communities in Bosnia and Herzegovina and hoped for a speedy end to the atrocities there through a political agreement.

40. Mr. RI Tcheul (Observer for the Democratic People's Republic of Korea) said there was a disturbing tendency for the accusations levelled by western States under agenda item 12 to grow in numbers, the criticism being largely directed at socialist or developing countries for political and ideological reasons. The polarization between North and South was thus becoming evident in the field of human rights and obstructing the Commission's work. However, the accusers, too, had their share of human rights problems, including unemployment, racial discrimination, new forms of racism directed towards migrant workers, rising crime and intolerance. It was intolerable that the developed, industrialized nations should preach about human rights when human rights and fundamental freedoms were not enjoyed equally in their own societies, which were not people-centred.

41. In 1991, for the first time in history, the two Koreas had reached an agreement on reconciliation and cooperation. The exchange of special representatives was currently being discussed in Panmunjom. The only expectation which the Democratic People's Republic of Korea had of the South Koreans was faithful compliance with the agreement. The South Korean people called their Government a military dictatorship in disguise because of the

Fascist laws it promulgated. He referred, in particular to the "National Security law" under which many South Koreans who had spoken out in favour of independence and democratization had been arrested, barbarically tortured and detained over the past 40 years. In March 1994, the United States Secretary of State had officially urged South Korea to repeal the "National Security Law".

42. The question of human rights in South Korea involved the fate of more than 150 prisoners who refused to accept the Government's ideology. Among them were dozens of persons in their seventies who had spent more than 40 years in prison cells measuring two square metres. The exact number of such prisons could not be ascertained, but it would be a terrible mistake for the Commission not to come to their aid.

43. Mrs. EIVAZOVA (Observer for Azerbaijan) said that the tragedy in her country had not been as widely publicized in the outside world as that in Bosnia and Herzegovina. For six years, the Republic of Armenia had been waging an undeclared war against Azerbaijan and Armenian troops currently occupied 20 per cent of its territory. More than 10,000 civilians had been killed, 30,000 had been wounded and 50,000 had been disabled. There were more than 1 million refugees and displaced persons. The economic infrastructure, too, had been destroyed.

44. The Government of the Republic of Armenia asserted that it was not involved but her own Government had already submitted to the Secretary-General numerous facts and documents proving their contrary.

45. Gross violations of the human rights of innocent civilians could no longer be ignored. The Armenian authorities had been pursuing a policy of genocide and ethnic cleansing against her people long before that policy was practised in the former Yugoslavia. In February 1988, some 200,000 Azerbaijanis had been deported from Armenia. More than 60,000 had been driven out of their homeland, Nagorno Karabakh. In February 1992, the whole world had become aware of the brutal massacre staged by Armenians in the Karabakhi town of Khodjaly.

46. Azerbaijani hostages and prisoners of war had been deported to Armenia, mainly to Spitak, and forced to work in mines and to clear the debris from the earthquake. Of the 300 Azerbaijanis held in the concentration camp near Spitak, 210 were women, children or elderly persons. Twenty-three prisoners of war had reportedly been killed in that concentration camp in February 1994 and, according to the Ministry of Foreign Affairs of Armenia, eight more had been shot while trying to escape. About 4,000 Azerbaijanis, 90 per cent of them women, children and elderly persons, were interned in concentration camps near the Armenian towns of Gumri, Spitak, Echmiadzin and Gukark. Young women and even children were abused and forced into prostitution and Azerbaijani hostages and prisoners of war were used as donors in the flourishing Armenian trade in human organs and blood plasma.

47. Such violations were contrary to international law and the 1949 Geneva Convention. A permanent international criminal tribunal should be established to deal with war crimes committed not only in the territory of the former Yugoslavia but everywhere in the world.

48. Her delegation welcomed the efforts of the international community, the United Nations, the Conference on Security and Cooperation in Europe (CSCE) and individual States to achieve a peaceful settlement of the Armenian/Azerbaijani conflict. It also welcomed the Security Council resolutions calling for the immediate and unconditional withdrawal of the occupying forces from Azerbaijani territory, and General Assembly resolution 48/114 on emergency international assistance to refugees and displaced persons in Azerbaijan.

49. Attempting though it was to build a democratic State under adverse conditions, Azerbaijan had acceded to a number of human rights instruments including the International Covenants on Human Rights; the Convention on the Rights of the Child; and the Convention and Protocol relating to the Status of Refugees. Committed to the protection of human rights, her delegation welcomed the establishment of the post of the High Commissioner for Human Rights and the appointment of its first incumbent.

50. Mr. VAN WALT (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said his organization continued to be concerned about the situation of the Greek minorities in Albania. Some progress had been made, but the Albanian Parliament had yet to adopt legislation on the education of Greek children in their mother tongue. It was important that the Parliament should take action in the current month, as promised, and for other issues to be resolved before they developed into conflicts that might upset the otherwise good relations between the Greek and Albanian communities in Albania.

51. While the violations of civil and political rights in Tibet had been the focus of the Commission's attention, his organization wished to point out that there had also been alarming violations of economic, social and cultural rights there, especially the right to housing. In Lhasa, 5,000 Tibetans had been forcibly evicted from their homes since 1989 and more than 10,000 were currently threatened with eviction and the demolition of their homes under the still-secret Lhasa Development Plan. Tibetans currently occupied 2 per cent of the dwellings in Lhasa, the remainder being occupied by Chinese settlers. The Commission must seek to forestall the planned evictions, thereby ensuring that socio-economic rights were taken as seriously as civil and political rights.

52. His organization was alarmed at the irresponsible attitude of the Government of Papua New Guinea to the human rights of the people of Bougainville. That was highlighted in the report of the Secretary-General on human rights violations in Bougainville (E/CN.4/1994/60). It was also evident from the Government's failure to respond to the initiatives taken by the Commission and its monitoring bodies. The Commission should request the Secretary-General to appoint a special representative to deal with the situation in Bougainville.

53. Mr. TUNIM (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that, as a Bougainvillian, he hoped that the Commission would adopt a concrete resolution

and a plan of action to assist his people and the Government of Papua New Guinea to resolve their differences. In the continuing struggle for their right to self-determination, the people of Bougainville were suffering at the hands of the Government of Papua New Guinea.

54. Many had fled to the jungle in order to avoid being forced into shelters controlled by the Papua New Guinea Defence Forces (PNGDF). In those shelters, people were treated like slaves and the army dispensed medicines, clothing and food donated by the Red Cross and NGOs in exchange for garden vegetables or sexual favours. In some of the shelters, women and even young girls were sexually exploited by the army of Papua New Guinea. The Government had offered to restore social services and the human rights of the people of Bougainville if they surrendered, but it was obvious that those rights would not include the most basic of human rights, the right to self-determination.

55. The people of Bougainville welcomed the adoption of Commission resolution 1993/76, calling for the blockade to be lifted, for international fact-finding missions to be permitted to visit the island and for a negotiated settlement. However, a year later, there had been no negotiations, no fact-finding mission and no restoration of his people's human rights. Although the Government had invited an Australian delegation to visit the island, he did not believe that it would actually be allowed to carry out its work.

56. The people of Bougainville were concerned about their environment and their land, which had been transformed into a desert by the mining activities of the Government of Papua New Guinea. Since the first protest against the mine owners, all his people had ever sought were negotiations, but the Government of Papua New Guinea had insisted on a military solution. Destitute though they were as a result of the total economic and social blockade imposed on their island, the people of Bougainville would not abandon their struggle for self-determination. The civilian population of the island must not be made to suffer the consequences of whatever mistakes had been made by the Bougainville Revolutionary Army (BRA).

57. Ms. OZDEN-NEURY (Centre Europe-Tiers Monde) said that the situation in Haiti was alarming. Notwithstanding the many resolutions adopted by the United Nations and despite the Governors Island Agreement, the leaders of the coup d'état continued to flout the will of the international community. The United States Government clearly wanted to avoid raising the question of refugees, given the agreement that it had signed in 1980 whereby its ships were allowed to enter Haitian territorial waters in order to stop and turn back vessels carrying refugees.

58. She called on the Commission to do everything in its power to ensure implementation of the 11 recommendations contained in the report of the Special Rapporteur on the situation of human rights in Haiti (E/CN.4/1994/55); to instruct the Representative of the Special Rapporteur on internally displaced persons to address the situation of the 300,000 internally displaced Haitians; and to urge the international community to compel the leaders of the coup d'état to comply fully with the Governors Island Agreement.

59. Ms. PERREGAUX (Centre Europe-Tiers Monde) said that the Commission must condemn the terrorist State of the Islamic Republic of Iran for the numerous murders it had carried out abroad. She recalled that the metal detector at the entrance to the Conference Room had been set up in the mid-1980s out of fear lest an attempt be made on the life of a colleague, Kazem Radjavi, even within the Palais des Nations. He had, in fact, been assassinated subsequently. At the time, the execution of opponents living abroad had already become common practice for the Islamic Republic of Iran, which had been responsible for dozens of killings throughout Europe. The killers had never been punished: the terrorist State was so powerful that it could murder on foreign territory and ensure the impunity of the killers.

60. Mrs. RADJAVI (Centre Europe-Tiers Monde) said that her late husband, Kazem Radjavi, had repeatedly denounced the torture, summary executions and other atrocities committed by the Iranian regime against its opponents, the People's Mojahedin (PMKO). Rejecting violence and dictatorship, he had travelled all over the world to urge States to take a stand against Iranian barbarity. A commando of 13 killers had been sent to Switzerland by the Iranian Government and, on 24 April 1990, her husband had been murdered in the nearby town of Coppet.

61. She was greatly angered that the Commission allowed the representatives of those who had ordered her husband's killing to sit in its midst. More and more countries were yielding to the blackmail of the Iranian regime. Only recently, the Government of France had released two of her husband's murderers and placed them on a plane leaving for Tehran. That was a betrayal of all those who worked for justice and freedom.

62. The Commission, the voice of all the men, women and children who had been abandoned to their sufferings, must firmly condemn the Iranian regime for its crimes.

63. Mr. FAUZI (Regional Council on Human Rights in Asia), speaking on behalf of 10 other non-governmental organizations also*, said that the continuing violations of the human rights of the people of Sri Lanka and the discrimination against the minority communities on the island should be given priority attention by the Commission. The military conflict in the north-eastern part of the country had caused tremendous loss of life and property; more than 1 million persons had been internally displaced and thousands had fled to other countries. The civilians in the north-east had to endure shortages of food, fuel and medicine and minimal access to medical attention. They were subjected to widespread and indiscriminate bombings by the Sri Lankan security forces.

64. The Government of Sri Lanka was using the conflict to prolong the state of emergency declared in May 1983, under which many of the fundamental freedoms guaranteed by the Constitution continued to be infringed with impunity. He asked the Commission to urge the two main parties to the conflict, the Government of Sri Lanka and the Liberation Tigers of

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* The list of non-governmental organizations concerned appears as an annex to this summary record.

Tamil Eelam, to cease hostilities and seek a negotiated settlement, with the assistance of the Secretary-General as a mediator. The Chairman of the Commission should appoint a special rapporteur to make a thorough study of the situation of human rights in Sri Lanka and submit a report to the Commission at its fifty-first session.

65. Ms. GONZALEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, in Colombia, numerous violations of the right to life, fundamental freedoms and due process continued unabated. Every day, the media reported violations committed by agents of the State. More persons had been murdered every year in Colombia for the past 10 years than in Chile during the entire 17 years of the Pinochet dictatorship.

66. An event typical of the human rights situation in that country had occurred on 5 October 1993 in the neighbourhood of El Bosque, in the western part of the country. Two dozen heavily armed men, some dressed in mufti and others in military uniforms, had tortured and murdered 13 members of the Ladino and Molina families, after raping the women. Later, 70 soldiers had come and had simulated an armed confrontation, firing their weapons at invisible enemies. When local peasants and members of the press arrived on the scene, the victims had been found to be clothed in military uniforms, but ones that had no bullet holes in them. The same evening, the television media, showing the bodies, had spoken of guerrillas killed in an operation led by Lieutenant-Colonel Luis Felipe Becerra Bohórquez, and the event had been presented as a great victory in the fight against the subversives.

67. The deception had soon been discovered, however, and, in the subsequent investigation, the name of Becerra Bohórquez had repeatedly arisen in connection with numerous human rights violations; he had eventually become such an embarrassment to the Government that he had been transferred to another service.

68. Six military cfficers and NCOs, including Juan Pérez and Carlos Guarín, had recently been placed in pre-trail detention on charges of belonging to a group that had been carrying out "clean-up operations" in Bogotá. As the Presidential Adviser for Human Rights had admitted in his statement to the Commission, certain members of the armed forces and the police had participated in extrajudicial executions, disappearances and torture or had been involved in operations of "social cleansing" and that, as the State had been unable to identify and punish those concerned, it bore a degree of responsibility.

69. Her organization had recently received a threatening letter from Colombia targeting a number of her colleagues. That document alone was palpable proof of the situation of human rights in Colombia.

70. In Turkey, the Turkish army and paramilitary forces had been carrying out an implacable and indiscriminate repression against the Kurds in the 13 provinces in which a state of emergency had reigned for the past 15 years. She was particularly concerned that, in the last three years, the inhabitants of 874 villages had been forced to leave the region; the Turkish armed forces

had stolen the little the refugees had owned and had then burnt their houses if they refused to collaborate. She also condemned the recent murder of Nuri Ekinci, an influential local leader.

71. Her organization was still concerned about the situation of Saharans who had disappeared after the Moroccan invasion; called upon the Government of Indonesia to allow the Commission's experts, rapporteurs and working groups to visit East Timor; urged the Commission to intervene in the quest for solutions in Haiti and in Sri Lanka; and suggested that the members of the Commission should attend a screening of a video cassette recording which showed three policemen in the United States of America subjecting four youths to ill-treatment merely because they were foreigners.

72. Mr. SINGH RAI (Liberation) said that, according to independent reports, the Government of India had been committing gross human rights abuses in Punjab since 1984. More than 10,000 Sikhs had been detained for political reasons, including Mr. Singh Maan, the Akali Dal leader, who was still being held for trying to lead a protest rally to Delhi; several thousand persons had been tortured, including the political leader, Mr. Pal Singh; more than 20,000 Sikhs had been killed by security forces in attacks or summary executions; and there had been thousands of involuntary disappearances.

73. Four human rights activists reporting to the United Nations had been killed, two had disappeared and several had been tortured. More than 5,000 Sikhs had fled the country to escape oppression. The ex-chief of the Punjab police, had admitted that many civilian deaths in the Punjab had been the result of contract killings by criminal gangs, sometimes working in close association with the police.

74. Although there was no declared emergency in Punjab, legislation derogating from human rights norms was in force. Under the Terrorist and Disruptive Activities Act, the police did not have to inform the accused of charges for up to 10 days; detention pending investigation could last for one year; punishable activities included indirectly questioning the territorial integrity of India; confessions obtained under torture were admissible; an accused was considered guilty unless proven otherwise; the property and land of the accused could be forfeited; the police could arrest entire families on charges of harbouring an accused; and officers could act with total impunity. The Government itself admitted that 54,000 people were in detention under the above-mentioned legislation.

75. Before the gaining of India's independence, Indian leaders had reached an agreement with the Sikhs that Punjab would join a confederation of States and that the Constitution of India would require the approval of the Sikhs. After independence, the Government of India had reneged on the agreement, and the Sikhs had then refused to accept the Constitution. There was scope for a settlement between the Sikhs and India, but the Government must restore freedom of expression so that the issues could be discussed freely. The Sikhs of the Punjab simply sought dignified coexistence and wanted independent control of their holiest shrine, Sri Harimandir Sahib (the Golden Temple). Those demands were not a threat to India's democracy, secularism or unity.

76. Mr. KANT (Indian Institute for Non-Aligned Studies) said that, according to the Human Rights Commission of Pakistan, Amnesty International and the Jubilee Campaign, virtually every section of society in Pakistan - except the ruling elite - was subject to the most gruesome human rights violations including torture, bonded labour, excesses in the name of religion, and discrimination against women. Furthermore, Pakistan had given no sign that it was ready to accept international human rights norms.

77. Discrimination against women in Pakistan was wide-ranging. The law discriminated against women in matters such as divorce, custody, and inheritance. Violence against women was common. A religious council had declared that family planning violated Islamic law. Violations of the human rights of children had also been reported. Kidnapping of children remained a major crime in Pakistan; abducted children were sometimes forced into servitude or drug trafficking.

78. Discriminatory laws and social intolerance continued to have adverse effects on the religious minorities in Pakistan. Harassment and humiliation of members of minorities and insensitivity towards them occurred at both official and public levels. Members of some religious communities had been sentenced to prison solely for exercising their religious beliefs. Furthermore, minorities were finding it increasingly difficult to bring their claims before the courts: legislation adopted in 1991 had ordered the Islamization of every sphere of life, including the judicial system. Discrimination against religious minorities could also be seen in the political sphere. There were gross violations of human rights in the areas of justice, law enforcement, freedom of expression, and freedom of worship.

79. In recent years, Pakistan had been promoting and encouraging the export of terrorism to other parts of the world. It had trained, indoctrinated and smuggled young men into Jammu and Kashmir in order to spread terror and destruction. It had established training camps for terrorists on its territory. Various credible sources had made it clear that Pakistan was responsible for the current phase of conflict, confrontation and terror in Jammu and Kashmir. As a result, there had been massive refugee flows, and the traditional harmony and peace of India was in danger.

Statements in exercise of the right of reply

80. Ms. KALNIETE (Observer for Latvia) said that, in June 1993, Latvia had held its first elections after gaining its independence. The majority of the electorate had voted for democratically-oriented parties, confirming that her country refused to endorse radicalism, in sharp contrast to the recent parliamentary elections in the Russian Federation.

81. Under Latvia's system of parliamentary democracy, all the political parties represented in parliament had the right to express and defend their views. Parliament was not a chorus repeating the same melody, as it had been under Soviet rule. In the field of human rights, it had enacted legislation which international experts considered to be compatible with international standards in the area.

82. Her Government was committed to eradicating all violations of human rights and fundamental freedoms and had recently established a post of Minister for Human Rights. Human rights and fundamental freedoms were guaranteed to all, regardless of their affiliation.

83. Russia's demand that Latvia should grant citizenship to all the persons who had been transferred into the country during the 50 years of occupation was unacceptable. The granting of citizenship was an internal matter which concerned only the sovereign State involved. Nevertheless, her Government had submitted its draft law on citizenship and naturalization to the Council of Europe for evaluation and had incorporated the Council's recommendations into the revised draft law.

84. Mr. KAKAKHEL (Pakistan) said that in a recent statement, the representative of India had violently denounced Pakistan for its acts and had denied allegations of human rights violations in Jammu and Kashmir.

85. The Commission on Human Rights was not the place to resolve political disputes. Its purpose was to assess the situation of human rights. In that connection, international and local human rights organizations had detailed documentation showing that Indian military and paramilitary forces had, during the past four years, instituted a reign of terror in Jammu and Kashmir, carrying out a campaign of death and mayhem and making life impossible for the people, who were struggling to express their inalienable right to self-determination.

86. The Government of India had tried to hoodwink the international community by asserting that the Kashmiris were involved in acts of terrorism. It had questioned the Kashmir people's right to self-determination and it had openly defied Security Council resolutions.

87. If the delegation of India was correct in asserting that there had been no violations of human rights in Jammu and Kashmir, it would have no objection to allowing an objective and impartial body to be the judge. To that end, the Commission on Human Rights should send a fact-finding mission to Jammu and Kashmir.

88. Mrs. LUKUDU (Sudan) said that, when referring to the human rights situation in the Sudan, the representatives of the United States of America, Japan and Poland had concentrated on her Government's alleged bombardment of the rebels in the south and reprisals and threats against the Special Rapporteur. While acknowledging that no such threats had been made by the Government, those delegations had failed to mention the Special Rapporteur's remarks concerning the sources of inspiration for the Islamic faith, which was tantamount to endorsing those remarks. That was a serious and unfortunate state of affairs. The very foundations of the United Nations were based on respect for the sovereignty of States and a neutral approach. It was clear that the Special Rapporteur had not even attempted to respect those principles.

89. The statement presented by Macram Max Gassis of Pax Romana under item 12 was entirely false. Macram Max Gassis was an active member of the rebel

forces in southern Sudan and had made his slanderous statement out of political interest. It was unfortunate that a bishop should abuse his religious status by spreading lies in an international forum.

90. Pax Romana, the International Fellowship of Reconciliation and Christian Democrat International had all devoted their entire statements to the situation of human rights in the Sudan, as if other parts of the world did not deserve their attention. With their faratic politicizing, they had succeeded in rallying the Christian world against the people and Government of Sudan. What they all had in common was a hatred and animosity for Islam.

91. Mr. Seung HO (Republic of Korea) said that, since the establishment of a new Government the previous year, his country had accelerated its efforts to promote and protect human rights and fundamental freedoms. Its practices in that area were in conformity with international human rights standards and he welcomed the scrutiny of the international community in that regard.

92. Some people in his country had called for rescinding of the National Security Law; however, the majority believed the law should be maintained. He sincerely hoped that the National Security Law would become superfluous once relations were normalized between North and South Korea. In that connection, he wished to point out that a call for rescinding that law was not part of official United States policy.

93. North Korea did not abide by the rule of law, but used certain legislation to maintain a totalitarian regime under which many human rights abuses were committed. Under its Penal Code, any counter-revolutionary or anti-Government thought, utterance or act was punishable, thereby making legitimate North Korea's use of coercive measures, terror and the death penalty.

94. Mr. PAK Dok Hun (Observer for the Democratic People's Republic of Korea) said that, in 1991, North and South Korea had signed an agreement prohibiting slander against either side. He would, therefore, refrain from mentioning the systematic human rights violations in South Korea.

95. The provocative statement by the representative of South Korea coincided with talks relating to the exchange of special envoys with a view to resolving areas of disagreement between North and South Korea. He wondered whether South Korea was trying to destroy those negotiations.

96. South Korea was the last regime which should criticize another State's human rights record. The history of Fascist rule under the South Korean military and the current situation in South Korea provided eloquent proof. It was during the period of military rule that numerous repressive organs and laws had been established, including the National Security Law, and peaceful demonstrators had been cruelly massacred. In 1992, the so-called civil Government had come to power but it was no different from the former military dictatorship. It maintained the repressive laws and used them to imprison individuals simply because they demanded democracy and reunification for Korea. A number of prominent figures had been imprisoned on ideological grounds; some of them had been tortured or subjected to other abuses.

97. It was not by chance that members of the Human Rights Committee had recommended in 1991 that the National Security Law should be rescinded.

98. Mr. ANSARI (India) said that the delegation of Pakistan was playing a worn-out gramophone record; it believed that, by repeating its baseless allegations over and over again, it could brainwash the Commission into believing them.

99. There was only one real issue: the role of Pakistan in promoting terrorism and the concomitant violation of human rights. Instead of addressing that issue, the delegation of Pakistan had initiated a draft resolution against India, which was entirely unacceptable. Pakistan's act was part of its ceaseless efforts to gain control of territory which legally belonged to India.

100. After a recent visit to Jammu and Kashmir, a group of ambassadors from the European Union had concluded that the situation existing in that State since 1949 had been the result of militant actions supported by Pakistan. It had concluded further that the Pakistani authorities must cease all assistance on and from their territory to the militants in Jammu and Kashmir.

101. Mr. KAKAKHEL (Pakistan) said that the draft resolution in question called on the Commission to send a fact-finding mission to Jammu and Kashmir. His Government was not seeking bilateral concessions. It desired only an impartial and objective assessment of the situation in Jammu and Kashmir.

102. The Commission could not allow the barbaric acts and atrocities of the Indian Government to go unnoticed any longer. In fact, India constantly interfered in the affairs of its neighbouring States, using a cruel and merciless policy to coerce and intimidate them into complying with its plans for hegemony.

103. Mrs. SABHARWAL (India) said that it was a documented fact that, in the Punjab and in Jammu and Kashmir, terrorists sponsored by Pakistan were violating human rights.

104. India's transparency and openness had been acknowledged by all, including the European Union ambassadors who had recently visited Jammu and Kashmir.

105. Constant sniping at elected Governments, thereby encouraging transborder terrorism, was a sure recipe for destroying democracy and human rights everywhere.

106. The CHAIRMAN said that, in the course of the Commission's consideration of agenda item 12, a number of comments had been made with regard to various aspects of the reports by special rapporteurs that the Commission had been considering under that item. That was only normal and appropriate. Every delegation had a right to express its views on the contents of those reports. A number of those comments had, however, cast serious doubt on the integrity of one of the special rapporteurs.

107. It was his duty as Chairman to remind the Commission that the special rapporteurs were appointed by the Commission and entrusted with mandates that were often delicate and always sensitive. The appointment of special rapporteurs was the result of a solemn decision of the international community as represented by the Commission: they were the agents of the Commission, no more and no less. To cast any doubts on the integrity of the special rapporteurs was to cast doubt on the Commission itself. It was, therefore, the duty of the Commission to ensure that, while respecting the right to freedom of expression and the right to disagree, the character and integrity of its special rapporteurs were not called into question.

The meeting rose at 1 p.m.